

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2060

(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Section 11-952.01, Arizona Revised Statutes, is amended  
3 to read:

4 11-952.01. Public agency pooling of property, fidelity,  
5 liability, workers' compensation, life, health,  
6 accident and disability coverage; exemptions;  
7 board of trustees; contract; termination; audit;  
8 insolvency; definition

9 A. In addition to other authority granted pursuant to this title,  
10 two or more public agencies may enter into contracts or agreements pursuant  
11 to this article for the joint purchasing of insurance, including prepaid  
12 legal insurance or reinsurance, or to pool retention of their risks for  
13 property, fidelity and liability losses and to provide for the payment of  
14 such property loss, fidelity loss, prepaid legal insurance or claim of  
15 liability made against any member of the pool, including any elected or  
16 appointed official, officer or employee covered by the pool, on a  
17 cooperative or contract basis with one another or may jointly form a  
18 nonprofit corporation or enter into a trust agreement to carry out this  
19 section in their behalf directly or by contract with a private party.

20 B. In addition to other authority granted pursuant to this title,  
21 two or more public agencies may enter into contracts or agreements pursuant  
22 to this article to establish a workers' compensation pool to provide for  
23 the payment of workers' compensation claims pursuant to title 23, chapter 6  
24 on a cooperative or contract basis with one another or may jointly form a  
25 nonprofit corporation or enter into a trust agreement to carry out this

1 section in their behalf directly or by contract with a private party. A  
2 workers' compensation pool established pursuant to this subsection may  
3 provide coverage for workers' compensation, employers' liability and  
4 occupational disease claims. A workers' compensation pool is subject to  
5 approval as a self-insurer by the industrial commission of Arizona pursuant  
6 to section 23-961, subsection A, paragraph 2 and is subject to title 23,  
7 chapter 6 and rules adopted pursuant to that chapter in addition to the  
8 requirements of this section. The industrial commission of Arizona, by  
9 rule, resolution or order, may adopt requirements for the administration of  
10 a workers' compensation pool under this subsection, including separation or  
11 commingling of funds, accounting, auditing, reporting, actuarial standards  
12 and procedures.

13 C. In addition to other authority granted pursuant to this title,  
14 two or more public agencies may enter into contracts or agreements for the  
15 joint purchase of life insurance, disability insurance, accident insurance  
16 or health benefits plan insurance or may pool retention of their risks of  
17 loss for life, disability, health or accident claims made against any  
18 public agency member of the pool or to jointly provide the health and  
19 medical services authorized in section 36-2907. Public agencies may  
20 establish pools for the purposes of this subsection by any of the following  
21 methods:

- 22 1. On a cooperative or contract basis.
- 23 2. By the formation of a nonprofit corporation.
- 24 3. By contracts or intergovernmental agreements with the Arizona  
25 health care cost containment system administration.
- 26 4. By the execution of a trust agreement directly by the agencies or  
27 by contracting with a third party.

28 D. In addition to other authority granted pursuant to this title,  
29 two or more public agencies may enter into contracts or agreements pursuant  
30 to this article for the joint purchasing of insurance for property,  
31 liability or workers' compensation losses or to pool retention of their  
32 risks for property and liability loss to cover the public agency, its

1 elected officials and employees and the contractor and subcontractor of  
2 every tier engaged in the performance of a construction project for the  
3 public agency. Public agencies may establish pools for the purposes of  
4 this subsection by any of the following methods:

- 5 1. On a cooperative or contract basis.
- 6 2. By the formation of a nonprofit corporation.
- 7 3. By the execution of a trust agreement directly by the agencies or  
8 by contracting with a third party.

9 E. Section 10-11301 does not apply to nonprofit corporations formed  
10 pursuant to this section.

11 F. Title 41, chapter 23 does not apply to the procurement of  
12 insurance or reinsurance, or to the procurement of the services provided  
13 for in subsection K, paragraph 8 of this section, by any pool established  
14 pursuant to this section.

15 G. Title 43 does not apply to any pool established pursuant to this  
16 section. Any pool established pursuant to this section is exempt from  
17 taxation under title 43.

18 H. Each pool shall be operated by a board of trustees consisting of  
19 at least three persons who are elected officials or employees of public  
20 entities within this state. The board of trustees shall notify the  
21 director of the department of insurance and financial institutions of the  
22 existence of the pool and shall file with the director and with the  
23 attorney general a copy of the intergovernmental agreement or contract.  
24 The board of trustees of each group shall do all of the following:

- 25 1. Establish terms and conditions of coverage within the pool,  
26 including exclusions of coverage.
- 27 2. Ensure that all claims are paid promptly.
- 28 3. Take all necessary precautions to safeguard the assets of the  
29 group.
- 30 4. Maintain minutes of its meetings.
- 31 5. Designate an administrator to carry out the policies established  
32 by the board of trustees and to provide day-to-day management of the group

1 and delineate in the written minutes of its meetings the areas of authority  
2 it delegates to the administrator.

3 6. If the pool is a workers' compensation pool, file a copy of the  
4 agreement with the director of the industrial commission of Arizona.

5 I. If the pool includes private, nonprofit educational institutions,  
6 each private, nonprofit educational institution shall post a bond, cash  
7 deposit or other comparable financial security in an amount that is equal  
8 to at least one and one-half times the amount of the private, nonprofit  
9 educational institution's annual premium to ensure payment of the school's  
10 or institution's legal liabilities and other obligations if the pool is  
11 determined to be insolvent or is otherwise found to be unable to discharge  
12 the pool's legal liabilities and other obligations pursuant to subsection N  
13 of this section.

14 J. The board of trustees shall not:

15 1. Extend credit to individual members for payment of a premium,  
16 except pursuant to payment plans established by the board.

17 2. Borrow any monies from the group or in the name of the group  
18 except in the ordinary course of business.

19 K. In addition to the requirements of section 11-952, a contract or  
20 agreement made pursuant to this section shall contain the following:

21 1. A provision for a system or program of loss control.

22 2. A provision for termination of membership, including either:

23 (a) Cancellation of individual members of the pool by the pool.

24 (b) Election by an individual member of the pool to terminate its  
25 participation.

26 3. A provision requiring the pool to pay all claims for which each  
27 member incurs liability during each member's period of membership.

28 4. A provision stating that each member is not relieved of its  
29 liability incurred during the member's period of membership except through  
30 the payment of losses by the pool or by the member.

31 5. A provision for the maintenance of claim reserves equal to known  
32 incurred losses and an estimate of incurred but not reported claims.

1           6. A provision for a final accounting and settlement of the  
2 obligations of or refunds to a terminating member to occur when all  
3 incurred claims are concluded, settled or paid.

4           7. A provision that the pool may establish offices where necessary  
5 in this state and employ necessary staff to carry out the purposes of the  
6 pool.

7           8. A provision that the pool may retain legal counsel, actuaries,  
8 auditors, engineers, private consultants and advisors.

9           9. A provision that the pool may make and alter bylaws and rules  
10 pertaining to the exercise of its purpose and powers.

11           10. A provision that the pool may purchase, lease or rent real and  
12 personal property it deems necessary.

13           11. A provision that the pool may enter into financial services  
14 agreements with banks and other financial institutions, that it may issue  
15 checks in its own name and that it may invest its monies in equity  
16 securities, mutual funds and investment funds registered with the United  
17 States securities and exchange commission, debt obligations and any  
18 eligible investment allowed by section 35-323.

19           L. A pool or a terminating member shall provide at least ninety  
20 days' written notice of the termination or cancellation. A workers'  
21 compensation pool shall notify the industrial commission of Arizona of the  
22 termination or cancellation of a member thirty days before the termination  
23 or cancellation of the member.

24           M. The pool shall be audited annually at the expense of the pool by  
25 a certified public accountant, with a copy of the report submitted to the  
26 governing body or chief executive officer of each member of the pool and to  
27 the director of the department of insurance and financial institutions.  
28 The board of trustees of the pool shall obtain an appropriate actuarial  
29 evaluation of the claim reserves of the pool, including an estimate of the  
30 incurred but not reported claims. The department of insurance and financial  
31 institutions shall examine each public agency pool once every five years.  
32 The director of the department of insurance and financial institutions may

1 examine a public agency pool sooner than five years from the preceding  
2 examination if the director has reason to believe that the pool is  
3 insolvent. The costs of any examination shall be paid by the pool subject  
4 to the examination.

5 N. If, as a result of the annual audit or an examination by the  
6 director of the department of insurance and financial institutions, it  
7 appears that the assets of the pool are insufficient to enable the pool to  
8 discharge its legal liabilities and other obligations, the director of the  
9 department of insurance and financial institutions shall notify the  
10 administrator and the board of trustees of the pool of the deficiency and  
11 the director's list of recommendations to abate the deficiency, including a  
12 recommendation not to add any new members until the deficiency is abated.  
13 If the pool fails to comply with the recommendations within sixty days  
14 after the date of the notice, the director shall notify the chief executive  
15 officer or the governing bodies, if any, of the members of the pool, the  
16 governor, the president of the senate and the speaker of the house of  
17 representatives that the pool has failed to comply with the recommendations  
18 of the director.

19 O. If a pool is determined to be insolvent or is otherwise found to  
20 be unable to discharge its legal liabilities and other obligations, each  
21 agreement or contract shall provide that the members of the pool shall be  
22 assessed on a pro rata basis as calculated by the amount of each member's  
23 annual contribution in order to satisfy the amount of deficiency. The  
24 assessment shall not exceed the amount of each member's annual contribution  
25 to the pool.

26 P. A pool established pursuant to this section may make available  
27 programs providing for insurance coverages described in subsections A, B  
28 and C of this section to those charter schools governed by section 15-183,  
29 subsection ~~M~~ L and, except for a workers' compensation pool, to private,  
30 nonprofit educational institutions.

31 Q. In addition to the authority set forth in this title, a pool  
32 established pursuant to this section may invest public monies on behalf of

1 pool members, but any such investments shall be limited to those allowed by  
2 section 35-323, except as provided in section 15-1225, subsection G. A  
3 pool established pursuant to this section may not invest monies that are  
4 required by law to be deposited with a county treasurer.

5 R. A pool established pursuant to this section, by the adoption of a  
6 resolution of continuing effect, may authorize and request the state  
7 treasurer to invest funds for the pool pursuant to section 35-326.

8 S. A pool established pursuant to this section may offer services on  
9 behalf of pool participants that participate in the unemployment insurance  
10 program administered by the department of economic security, including the  
11 option to make payments in lieu of contributions as allowed by sections  
12 23-750 and 23-751. The pool is deemed an agent of the pool participants as  
13 employers for the purposes of title 23, chapter 4.

14 T. For the purposes of this section, "health benefits plan" means a  
15 hospital or medical service corporation policy or certificate, a health  
16 care services corporation contract, a multiple employer welfare arrangement  
17 or any other arrangement under which health and medical benefits and  
18 services are provided to two or more persons.

19 Sec. 2. Title 15, chapter 1, article 1, Arizona Revised Statutes, is  
20 amended by adding section 15-120.04, to read:

21 15-120.04. Postings on website; satisfaction of requirement

22 NOTWITHSTANDING ANY OTHER LAW:

23 1. A SCHOOL DISTRICT, A SCHOOL THAT IS OPERATED BY A SCHOOL DISTRICT  
24 OR A CHARTER SCHOOL MAY SATISFY ANY STATUTORY REQUIREMENT TO POST,  
25 PROMINENTLY DISPLAY, MAKE ACCESSIBLE OR OTHERWISE INCLUDE SPECIFIED  
26 INFORMATION ON ITS WEBSITE BY MAKING A LINK TO THE INFORMATION AVAILABLE ON  
27 THE SCHOOL DISTRICT'S, THE SCHOOL'S OR THE CHARTER SCHOOL'S HOME PAGE.

28 2. A SCHOOL DISTRICT, A SCHOOL THAT IS OPERATED BY A SCHOOL DISTRICT  
29 OR A CHARTER SCHOOL MAY CONSOLIDATE ALL INFORMATION THAT IT IS STATUTORILY  
30 REQUIRED TO POST, PROMINENTLY DISPLAY, MAKE ACCESSIBLE OR OTHERWISE INCLUDE  
31 ON ITS WEBSITE ON A SINGLE WEBPAGE AND IS NOT REQUIRED TO POST THIS  
32 INFORMATION ON ITS HOME PAGE.

1           Sec. 3. Section 15-153, Arizona Revised Statutes, is amended to  
2 read:

3           15-153. Crime reporting: policies and procedures:  
4                                   notification; discipline

5           A. Each school district governing board and charter school governing  
6 body shall prescribe and enforce policies and procedures for school  
7 personnel to report any suspected crime against a person or property that  
8 is a serious offense as defined in section 13-706 or that involves a deadly  
9 weapon or dangerous instrument or serious physical injury and any conduct  
10 that poses a threat of death or serious physical injury to an employee,  
11 student or other person on the school property. The policies shall dictate  
12 a process for employees to document and report the conduct, including  
13 specifying the employees responsible for making a report to the local law  
14 enforcement agency pursuant to section 15-341, subsection A, paragraph ~~30~~  
15 29. Conduct that is considered to be bullying, harassment or intimidation  
16 shall be addressed according to policies adopted pursuant to section  
17 15-341, subsection A, paragraph ~~36~~ 35.

18           B. Each school district governing board and charter school governing  
19 body shall prescribe and enforce policies and procedures that require the  
20 school district or charter school to notify the parent or guardian of each  
21 student who is involved in a suspected crime or any conduct that is  
22 described in subsection A of this section, subject to the requirements of  
23 federal law.

24           C. ~~On or before January 1, 2020,~~ Each school district or charter  
25 school shall post the policies and procedures prescribed by this section on  
26 its website. If the school district or charter school maintains an online  
27 manual of policies and procedures, the school district or charter school  
28 may post a link to that manual with a reference to the appropriate policies  
29 and procedures.

30           D. A person who violates subsection A of this section may be  
31 disciplined for violating the policies of the school district governing  
32 board or charter school governing body pursuant to section 15-341,



1 subsection A, paragraphs 21 and 22, and, notwithstanding section 15-341,  
2 subsection A, paragraphs 21 and 22, may be subject to dismissal. Each  
3 school district governing board and charter school governing body shall  
4 prescribe and enforce policies and procedures that require the school  
5 district or charter school to maintain a record on any person who is  
6 disciplined pursuant to this subsection and, on request, shall make that  
7 record available to any public school, school district governing board or  
8 charter school governing body that is considering hiring that person.

9 E. ~~By July 1, 2020,~~ The department of education shall develop a  
10 process to verify that each school district and charter school has adopted  
11 the policies and procedures required by this section.

12 F. ~~Beginning January 21, 2020,~~ A school district or charter school  
13 that has not adopted the policies and procedures required by this section  
14 is not eligible to apply for school safety program grants pursuant to  
15 section 15-154.

16 Sec. 4. Section 15-183, Arizona Revised Statutes, is amended to  
17 read:

18 15-183. Charter schools; application; requirements; immunity;  
19 exemptions; renewal of application; reprisal; fee;  
20 funds; annual reports

21 A. An applicant seeking to establish a charter school shall apply in  
22 writing to a proposed sponsor as prescribed in subsection C of this  
23 section. The application, application process and application time frames  
24 shall be posted on the sponsor's website and shall include the following,  
25 as specified in the application adopted by the sponsor:

- 26 1. A detailed educational plan.
- 27 2. A detailed business plan.
- 28 3. A detailed operational plan.
- 29 4. Any other materials required by the sponsor.

30 B. The sponsor of a charter school may contract with a public body,  
31 private person or private organization for the purpose of establishing a  
32 charter school pursuant to this article.

1           C. The sponsor of a charter school may be either the state board of  
2 education, the state board for charter schools, a university under the  
3 jurisdiction of the Arizona board of regents, a community college district  
4 or a group of community college districts, subject to the following  
5 requirements:

6           1. An applicant may not apply for sponsorship to any person or  
7 entity other than those prescribed in this subsection.

8           2. The applicant may apply to the state board of education or the  
9 state board for charter schools. Notwithstanding any other law, neither  
10 the state board for charter schools nor the state board of education shall  
11 grant a charter to a school district governing board for a new charter  
12 school or for the conversion of an existing district public school to a  
13 charter school. The state board of education or the state board for  
14 charter schools may approve the application if the application meets the  
15 requirements of this article and may approve the charter if the proposed  
16 sponsor determines, within its sole discretion, that the applicant is  
17 sufficiently qualified to operate a charter school and that the applicant  
18 is applying to operate as a separate charter holder by considering factors  
19 such as whether:

20           (a) The schools have separate governing bodies, governing body  
21 membership, staff, facilities and student population.

22           (b) Daily operations are carried out by different administrators.

23           (c) The applicant intends to have an affiliation agreement for the  
24 purpose of providing enrollment preferences.

25           (d) The applicant's charter management organization has multiple  
26 charter holders serving varied grade configurations on one physical site or  
27 nearby sites serving one community.

28           (e) The applicant is reconstituting an existing school site  
29 population at the same or new site.

30           (f) The applicant is reconstituting an existing grade configuration  
31 from a prior charter holder with at least one grade remaining on the  
32 original site with the other grade or grades moving to a new site. The

1 state board of education or the state board for charter schools may approve  
2 any charter schools transferring charters. If the state board of education  
3 or the state board for charter schools rejects the preliminary application,  
4 the state board of education or the state board for charter schools shall  
5 notify the applicant in writing of the reasons for the rejection and of  
6 suggestions for improving the application. An applicant may submit a  
7 revised application for reconsideration by the state board of education or  
8 the state board for charter schools. The applicant may request, and the  
9 state board of education or the state board for charter schools may  
10 provide, technical assistance to improve the application.

11 3. The applicant may submit the application to a university under  
12 the jurisdiction of the Arizona board of regents, a community college  
13 district or a group of community college districts. A university, a  
14 community college district or a group of community college districts shall  
15 not grant a charter to a school district governing board for a new charter  
16 school or for the conversion of an existing district public school to a  
17 charter school. A university, a community college district or a group of  
18 community college districts may approve the application if it meets the  
19 requirements of this article and if the proposed sponsor determines, in its  
20 sole discretion, that the applicant is sufficiently qualified to operate a  
21 charter school.

22 4. Each applicant seeking to establish a charter school shall submit  
23 a full set of fingerprints to the approving agency for the purpose of  
24 obtaining a state and federal criminal records check pursuant to section  
25 41-1750 and Public Law 92-544. If an applicant will have direct contact  
26 with students, the applicant shall possess a valid fingerprint clearance  
27 card that is issued pursuant to title 41, chapter 12, article 3.1. The  
28 department of public safety may exchange this fingerprint data with the  
29 federal bureau of investigation. The criminal records check shall be  
30 completed before the issuance of a charter.

31 5. All persons engaged in instructional work directly as a  
32 classroom, laboratory or other teacher or indirectly as a supervisory

1 teacher, speech therapist or principal and all charter representatives,  
2 charter school governing body members and officers, directors, members and  
3 partners of the charter holder shall have a valid fingerprint clearance  
4 card that is issued pursuant to title 41, chapter 12, article 3.1, unless  
5 the person is a volunteer or guest speaker who is accompanied in the  
6 classroom by a person with a valid fingerprint clearance card. A charter  
7 school shall not employ in any position that requires a valid fingerprint  
8 clearance card a person against whom the state board of education has taken  
9 disciplinary action as prescribed in section 15-505 or whose certificate  
10 has been suspended, surrendered or revoked, unless the person's certificate  
11 has been subsequently reinstated by the state board of education. All  
12 other personnel shall be fingerprint checked pursuant to section 15-512, or  
13 the charter school may require those personnel to obtain a fingerprint  
14 clearance card issued pursuant to title 41, chapter 12, article  
15 3.1. Before employment, the charter school shall make documented, good  
16 faith efforts to contact previous employers of a person to obtain  
17 information and recommendations that may be relevant to the person's  
18 fitness for employment as prescribed in section 15-512, subsection F,  
19 including checking the educator information system that is maintained by  
20 the department of education pursuant to section 15-505. The charter school  
21 shall notify the department of public safety if the charter school or  
22 sponsor receives credible evidence that a person who possesses a valid  
23 fingerprint clearance card is arrested for or is charged with an offense  
24 listed in section 41-1758.03, subsection B. A person who is employed at a  
25 charter school that has met the requirements of this paragraph is not  
26 required to meet any additional requirements that are established by the  
27 department of education or that may be established by rule by the state  
28 board of education. The state board of education may not adopt rules that  
29 exceed the requirements for persons who are qualified to teach in charter  
30 schools prescribed in title I of the every student succeeds act  
31 (P.L. 114-95) or the individuals with disabilities education improvement  
32 act of 2004 (P.L. 108-446). Charter schools may hire personnel who have

1 not yet received a fingerprint clearance card if proof is provided of the  
2 submission of an application to the department of public safety for a  
3 fingerprint clearance card and if the charter school that is seeking to  
4 hire the applicant does all of the following:

5 (a) Documents in the applicant's file the necessity for hiring and  
6 placing the applicant before the applicant receives a fingerprint clearance  
7 card.

8 (b) Ensures that the department of public safety completes a  
9 statewide criminal records check on the applicant. A statewide criminal  
10 records check shall be completed by the department of public safety every  
11 one hundred twenty days until the date that the fingerprint check is  
12 completed or the fingerprint clearance card is issued or denied.

13 (c) Obtains references from the applicant's current employer and the  
14 two most recent previous employers except for applicants who have been  
15 employed for at least five years by the applicant's most recent employer.

16 (d) Provides general supervision of the applicant until the date  
17 that the fingerprint card is obtained.

18 (e) Completes a search of criminal records in all local  
19 jurisdictions outside of this state in which the applicant has lived in the  
20 previous five years.

21 (f) Verifies the fingerprint status of the applicant with the  
22 department of public safety.

23 6. A charter school that complies with the fingerprinting  
24 requirements of this section shall be deemed to have complied with section  
25 15-512 and is entitled to the same rights and protections provided to  
26 school districts by section 15-512.

27 7. If a charter school operator is not already subject to a public  
28 meeting or hearing by the municipality in which the charter school is  
29 located, the operator of a charter school shall conduct a public meeting at  
30 least thirty days before the charter school operator opens a site or sites  
31 for the charter school. The charter school operator shall post notices of

1 the public meeting in at least three different locations that are within  
2 three hundred feet of the proposed charter school site.

3 8. A person who is employed by a charter school or who is an  
4 applicant for employment with a charter school, who is arrested for or  
5 charged with a nonappealable offense listed in section 41-1758.03,  
6 subsection B and who does not immediately report the arrest or charge to  
7 the person's supervisor or potential employer is guilty of unprofessional  
8 conduct and the person shall be immediately dismissed from employment with  
9 the charter school or immediately excluded from potential employment with  
10 the charter school.

11 9. A person who is employed by a charter school and who is convicted  
12 of any nonappealable offense listed in section 41-1758.03, subsection B or  
13 is convicted of any nonappealable offense that amounts to unprofessional  
14 conduct under section 15-550 shall immediately do all of the following:

15 (a) Surrender any certificates issued by the department of  
16 education.

17 (b) Notify the person's employer or potential employer of the  
18 conviction.

19 (c) Notify the department of public safety of the conviction.

20 (d) Surrender the person's fingerprint clearance card.

21 D. An entity that is authorized to sponsor charter schools pursuant  
22 to this article has no legal authority over or responsibility for a charter  
23 school sponsored by a different entity. This subsection does not apply to  
24 the state board of education's duty to exercise general supervision over  
25 the public school system pursuant to section 15-203, subsection A,  
26 paragraph 1.

27 E. The charter of a charter school shall do all of the following:

28 1. Ensure compliance with federal, state and local rules,  
29 regulations and statutes relating to health, safety, civil rights and  
30 insurance. The department of education shall publish a list of relevant  
31 rules, regulations and statutes to notify charter schools of their  
32 responsibilities under this paragraph.

1           2. Ensure that it is nonsectarian in its programs, admission  
2 policies and employment practices and all other operations.

3           3. Ensure that it provides a comprehensive program of instruction  
4 for at least a kindergarten program or any grade between grades one and  
5 twelve, except that a school may offer this curriculum with an emphasis on  
6 a specific learning philosophy or style or certain subject areas such as  
7 mathematics, science, fine arts, performance arts or foreign language.

8           4. Ensure that it designs a method to measure pupil progress toward  
9 the pupil outcomes adopted by the state board of education pursuant to  
10 section 15-741.01, including participation in the statewide assessment and  
11 the nationally standardized norm-referenced achievement test as designated  
12 by the state board and the completion and distribution of an annual report  
13 card as prescribed in chapter 7, article 3 of this title.

14           5. Ensure that, except as provided in this article and in its  
15 charter, it is exempt from all statutes and rules relating to schools,  
16 governing boards and school districts.

17           6. Ensure that, except as provided in this article, it is subject to  
18 the same financial and electronic data submission requirements as a school  
19 district, including ~~the uniform system of financial records as prescribed~~  
20 ~~in chapter 2, article 4 of this title,~~ procurement rules as prescribed in  
21 section 15-213 and audit requirements. **THE CHARTER MAY DESIGNATE THE**  
22 **UNIFORM SYSTEM OF FINANCIAL RECORDS AS PRESCRIBED IN CHAPTER 2, ARTICLE 4**  
23 **OF THIS TITLE AS THE ACCOUNTING SYSTEM, ACCOUNTING METHODS AND ACCOUNTING**  
24 **PROCEDURES THAT THE CHARTER SCHOOL WILL USE TO COMPLY WITH THE FINANCIAL**  
25 **DATA SUBMISSION REQUIREMENTS PRESCRIBED BY LAW.** The auditor general shall  
26 conduct a comprehensive review and revision of the uniform system of  
27 financial records to ensure that the provisions of the uniform system of  
28 financial records that relate to charter schools are in accordance with  
29 commonly accepted accounting principles used by private business. A  
30 school's charter may include exceptions to the requirements of this  
31 paragraph that are necessary as determined by the university, the community  
32 college district, the group of community college districts, the state board

1 of education or the state board for charter schools. The department of  
2 education or the office of the auditor general may conduct financial,  
3 program or compliance audits.

4 7. Ensure compliance with all federal and state laws relating to the  
5 education of children with disabilities in the same manner as a school  
6 district.

7 8. Ensure that it provides for a governing body for the charter  
8 school that is responsible for the policy decisions of the charter school.  
9 Notwithstanding section 1-216, if there is a vacancy or vacancies on the  
10 governing body, a majority of the remaining members of the governing body  
11 constitute a quorum for the transaction of business, unless that quorum is  
12 prohibited by the charter school's operating agreement.

13 9. Ensure that it provides a minimum of one hundred eighty  
14 instructional days before June 30 of each fiscal year unless it is  
15 operating on an alternative calendar approved by its sponsor. The  
16 superintendent of public instruction shall adjust the apportionment  
17 schedule accordingly to accommodate a charter school utilizing an  
18 alternative calendar.

19 ~~F. A charter school shall keep in the personnel file of each current~~  
20 ~~employee who provides instruction to pupils at the charter school~~  
21 ~~information about the employee's educational and teaching background and~~  
22 ~~experience in a particular academic content subject area. A charter school~~  
23 ~~shall inform parents and guardians of the availability of the information~~  
24 ~~and shall make the information available for inspection on request of~~  
25 ~~parents and guardians of pupils enrolled at the charter school. This~~  
26 ~~subsection does not require any charter school to release personally~~  
27 ~~identifiable information in relation to any teacher or employee, including~~  
28 ~~the teacher's or employee's address, salary, social security number or~~  
29 ~~telephone number.~~

30 ~~G.~~ F. The charter of a charter school may be amended at the request  
31 of the governing body of the charter school and on the approval of the  
32 sponsor.



1           ~~H.~~ G. Charter schools may contract, sue and be sued.

2           ~~I.~~ H. The charter is effective for fifteen years from the first day  
3 of the fiscal year as specified in the charter, subject to the following:

4           1. At least eighteen months before the charter expires, the sponsor  
5 shall notify the charter school that the charter school may apply for  
6 renewal and shall make the renewal application available to the charter  
7 school. A charter school that elects to apply for renewal shall file a  
8 complete renewal application at least fifteen months before the charter  
9 expires. A sponsor shall give written notice of its intent not to renew  
10 the charter school's request for renewal to the charter school at least  
11 twelve months before the expiration of the charter. The sponsor shall make  
12 data used in making renewal decisions available to the school and the  
13 public and shall provide a public report summarizing the evidence basis for  
14 each decision. The sponsor may deny the request for renewal if, in its  
15 judgment, the charter holder has failed to do any of the following:

16           (a) Meet or make sufficient progress toward the academic performance  
17 expectations set forth in the performance framework.

18           (b) Meet the operational performance expectations set forth in the  
19 performance framework or any improvement plans.

20           (c) Meet the financial performance expectations set forth in the  
21 performance framework or any improvement plans.

22           (d) Complete the obligations of the contract.

23           (e) Comply with this article or any provision of law from which the  
24 charter school is not exempt.

25           2. A charter operator may apply for early renewal. At least nine  
26 months before the charter school's intended renewal consideration, the  
27 operator of the charter school shall submit a letter of intent to the  
28 sponsor to apply for early renewal. The sponsor shall review fiscal audits  
29 and academic performance data for the charter school that are annually  
30 collected by the sponsor, review the current contract between the sponsor  
31 and the charter school and provide the qualifying charter school with a  
32 renewal application. On submission of a complete application, the sponsor

1 shall give written notice of its consideration of the renewal application.  
2 The sponsor may deny the request for early renewal if, in the sponsor's  
3 judgment, the charter holder has failed to do any of the following:

4 (a) Meet or make sufficient progress toward the academic performance  
5 expectations set forth in the performance framework.

6 (b) Meet the operational performance expectations set forth in the  
7 performance framework or any improvement plans.

8 (c) Meet the financial performance expectations set forth in the  
9 performance framework or any improvement plans.

10 (d) Complete the obligations of the contract.

11 (e) Comply with this article or any provision of law from which the  
12 charter school is not exempt.

13 3. A sponsor shall review a charter at five-year intervals using a  
14 performance framework adopted by the sponsor and may revoke a charter at  
15 any time if the charter school breaches one or more provisions of its  
16 charter or if the sponsor determines that the charter holder has failed to  
17 do any of the following:

18 (a) Meet or make sufficient progress toward the academic performance  
19 expectations set forth in the performance framework.

20 (b) Meet the operational performance expectations set forth in the  
21 performance framework or any improvement plans.

22 (c) Meet the financial performance expectations set forth in the  
23 performance framework or any improvement plans.

24 (d) Comply with this article or any provision of law from which the  
25 charter school is not exempt.

26 4. In determining whether to renew or revoke a charter holder, the  
27 sponsor must consider making sufficient progress toward the academic  
28 performance expectations set forth in the sponsor's performance framework  
29 as one of the most important factors.

30 5. Before the sponsor adopts a determination of intent to revoke a  
31 charter, the charter holder shall have at least thirty days to address the  
32 problems, as necessary or applicable, associated with the reason or reasons

1 for the determination of intent to revoke. The sponsor is not required to  
2 provide the charter holder with thirty days to correct the problems  
3 associated with the reason or reasons for adopting a determination of  
4 intent to revoke if the reason or reasons cannot be remedied, including a  
5 failure to submit required financial audits pursuant to subsection E,  
6 paragraph 6 of this section and section 15-914, or for a matter of health  
7 or safety, or both. Before the sponsor adopts a determination of intent to  
8 revoke a charter, the sponsor shall give written notice to the charter  
9 holder that includes the reason or reasons for the sponsor's consideration  
10 to revoke the charter. Notice may be provided by electronic means or by  
11 United States mail and is effective on the date of email or, if sent by  
12 United States mail, the earlier of the date of receipt by the charter  
13 holder or within five days after the notice is mailed. The determination  
14 of whether to proceed to revocation shall be made at a public meeting  
15 called for that purpose.

16 ~~⌘~~ I. The charter may be renewed for successive periods of twenty  
17 years.

18 ~~⌘~~ J. A charter school that is sponsored by the state board of  
19 education, the state board for charter schools, a university, a community  
20 college district or a group of community college districts may not be  
21 located on the property of a school district unless the district governing  
22 board grants this authority.

23 ~~⌘~~ K. A governing board or a school district employee who has  
24 control over personnel actions shall not take unlawful reprisal against  
25 another employee of the school district because the employee is directly or  
26 indirectly involved in an application to establish a charter school. A  
27 governing board or a school district employee shall not take unlawful  
28 reprisal against an educational program of the school or the school  
29 district because an application to establish a charter school proposes to  
30 convert all or a portion of the educational program to a charter school.  
31 For the purposes of this subsection, "unlawful reprisal" means an action  
32 that is taken by a governing board or a school district employee as a

1 direct result of a lawful application to establish a charter school and  
2 that is adverse to another employee or an education program and:

3 1. With respect to a school district employee, results in one or  
4 more of the following:

5 (a) Disciplinary or corrective action.

6 (b) Detail, transfer or reassignment.

7 (c) Suspension, demotion or dismissal.

8 (d) An unfavorable performance evaluation.

9 (e) A reduction in pay, benefits or awards.

10 (f) Elimination of the employee's position without a reduction in  
11 force by reason of lack of monies or work.

12 (g) Other significant changes in duties or responsibilities that are  
13 inconsistent with the employee's salary or employment classification.

14 2. With respect to an educational program, results in one or more of  
15 the following:

16 (a) Suspension or termination of the program.

17 (b) Transfer or reassignment of the program to a less favorable  
18 department.

19 (c) Relocation of the program to a less favorable site within the  
20 school or school district.

21 (d) Significant reduction or termination of funding for the program.

22 ~~N.~~ L. Charter schools shall secure insurance for liability and  
23 property loss. The governing body of a charter school that is sponsored by  
24 the state board of education or the state board for charter schools may  
25 enter into an intergovernmental agreement or otherwise contract to  
26 participate in an insurance program offered by a risk retention pool  
27 established pursuant to section 11-952.01 or 41-621.01 or the charter  
28 school may secure its own insurance coverage. The pool may charge the  
29 requesting charter school reasonable fees for any services it performs in  
30 connection with the insurance program.

31 ~~N.~~ M. Charter schools do not have the authority to acquire property  
32 by eminent domain.

1           ~~N.~~ N. A sponsor, including members, officers and employees of the  
2 sponsor, is immune from personal liability for all acts done and actions  
3 taken in good faith within the scope of its authority.

4           ~~P.~~ O. Charter school sponsors and this state are not liable for the  
5 debts or financial obligations of a charter school or persons who operate  
6 charter schools.

7           ~~P.~~ P. The sponsor of a charter school shall establish procedures to  
8 conduct administrative hearings on determination by the sponsor that  
9 grounds exist to revoke a charter. Procedures for administrative hearings  
10 shall be similar to procedures prescribed for adjudicative proceedings in  
11 title 41, chapter 6, article 10. Except as provided in section 41-1092.08,  
12 subsection H, final decisions of the state board of education and the state  
13 board for charter schools from hearings conducted pursuant to this  
14 subsection are subject to judicial review pursuant to title 12, chapter 7,  
15 article 6.

16           ~~R.~~ Q. The sponsoring entity of a charter school shall have  
17 oversight and administrative responsibility for the charter schools that it  
18 sponsors. In implementing its oversight and administrative  
19 responsibilities, the sponsor shall ground its actions in evidence of the  
20 charter holder's performance in accordance with the performance framework  
21 adopted by the sponsor. The performance framework shall be publicly  
22 available, shall be placed on the sponsoring entity's website and shall  
23 include:

24           1. The academic performance expectations of the charter school and  
25 the measurement of sufficient progress toward the academic performance  
26 expectations.

27           2. The operational expectations of the charter school, including  
28 adherence to all applicable laws and obligations of the charter contract.

29           3. The financial expectations of the charter school.

30           4. Intervention and improvement policies.

31           ~~S.~~ R. Charter schools may pledge, assign or encumber their assets  
32 to be used as collateral for loans or extensions of credit.

1           ~~F.~~ S. All property accumulated by a charter school shall remain the  
2 property of the charter school.

3           ~~G.~~ T. Charter schools may not locate a school on property that is  
4 less than one-fourth mile from agricultural land regulated pursuant to  
5 section 3-365, except that the owner of the agricultural land may agree to  
6 comply with the buffer zone requirements of section 3-365. If the owner  
7 agrees in writing to comply with the buffer zone requirements and records  
8 the agreement in the office of the county recorder as a restrictive  
9 covenant running with the title to the land, the charter school may locate  
10 a school within the affected buffer zone. The agreement may include any  
11 stipulations regarding the charter school, including conditions for future  
12 expansion of the school and changes in the operational status of the school  
13 that will result in a breach of the agreement.

14           ~~H.~~ U. A transfer of a charter to another sponsor, a transfer of a  
15 charter school site to another sponsor or a transfer of a charter school  
16 site to a different charter shall be completed before the beginning of the  
17 fiscal year that the transfer is scheduled to become effective. An entity  
18 that sponsors charter schools may accept a transferring school after the  
19 beginning of the fiscal year if the transfer is approved by the  
20 superintendent of public instruction. The superintendent of public  
21 instruction shall have the discretion to consider each transfer during the  
22 fiscal year on a case-by-case basis. A charter holder seeking to transfer  
23 sponsors shall comply with the current charter terms regarding assignment  
24 of the charter. A charter holder transferring sponsors shall notify the  
25 current sponsor that the transfer has been approved by the new sponsor.

26           ~~I.~~ V. Notwithstanding subsection ~~V.~~ U of this section, a charter  
27 holder on an improvement plan must notify parents or guardians of  
28 registered students of the intent to transfer the charter and the timing of  
29 the proposed transfer. On the approved transfer, the new sponsor shall  
30 enforce the improvement plan but may modify the plan based on performance.

31           ~~J.~~ W. Notwithstanding subsection ~~X.~~ X of this section, the state  
32 board for charter schools shall charge a processing fee to any charter

1 school that amends its contract to participate in Arizona online  
2 instruction pursuant to section 15-808. The charter Arizona online  
3 instruction processing fund is established consisting of fees collected and  
4 administered by the state board for charter schools. The state board for  
5 charter schools shall use monies in the fund only for processing contract  
6 amendments for charter schools participating in Arizona online  
7 instruction. Monies in the fund are continuously appropriated.

8 ~~Y.~~ X. The sponsoring entity may not charge any fees to a charter  
9 school that it sponsors unless the sponsor has provided services to the  
10 charter school and the fees represent the full value of those services  
11 provided by the sponsor. On request, the value of the services provided by  
12 the sponsor to the charter school shall be demonstrated to the department  
13 of education.

14 ~~Z.~~ Y. Charter schools may enter into an intergovernmental agreement  
15 with a presiding judge of the juvenile court to implement a law-related  
16 education program as defined in section 15-154. The presiding judge of the  
17 juvenile court may assign juvenile probation officers to participate in a  
18 law-related education program in any charter school in the county. The  
19 cost of juvenile probation officers who participate in the program  
20 implemented pursuant to this subsection shall be funded by the charter  
21 school.

22 ~~AA.~~ Z. The sponsor of a charter school shall modify previously  
23 approved curriculum requirements for a charter school that wishes to  
24 participate in the board examination system prescribed in chapter 7,  
25 article 6 of this title.

26 ~~BB.~~ AA. If a charter school decides not to participate in the board  
27 examination system prescribed in chapter 7, article 6 of this title, pupils  
28 enrolled at that charter school may earn a Grand Canyon diploma by  
29 obtaining a passing score on the same board examinations.

30 ~~CC.~~ BB. Notwithstanding subsection ~~Y.~~ X of this section, a sponsor  
31 of charter schools may charge a new charter application processing fee to  
32 any applicant. The application fee shall fully cover the cost of

1 application review and any needed technical assistance. Authorizers may  
2 approve policies that allow a portion of the fee to be returned to the  
3 applicant whose charter is approved.

4 ~~DD.~~ CC. A charter school may choose to provide a preschool program  
5 for children with disabilities pursuant to section 15-771.

6 ~~EE.~~ DD. Pursuant to the prescribed graduation requirements adopted  
7 by the state board of education, the governing body of a charter school  
8 operating a high school may approve a rigorous computer science course that  
9 would fulfill a mathematics course required for graduation from high  
10 school. The governing body may approve a rigorous computer science course  
11 only if the rigorous computer science course includes significant  
12 mathematics content and the governing body determines the high school where  
13 the rigorous computer science course is offered has sufficient capacity,  
14 infrastructure and qualified staff, including competent teachers of  
15 computer science.

16 ~~FF.~~ EE. A charter school may allow the use of school property,  
17 including school buildings, grounds, buses and equipment, by any person,  
18 group or organization for any lawful purpose, including a recreational,  
19 educational, political, economic, artistic, moral, scientific, social,  
20 religious or other civic or governmental purpose. The charter school may  
21 charge a reasonable fee for the use of the school property.

22 ~~GG.~~ FF. A charter school and its employees, including the governing  
23 body, or chief administrative officer, are immune from civil liability with  
24 respect to all decisions made and actions taken to allow the use of school  
25 property, unless the charter school or its employees are guilty of gross  
26 negligence or intentional misconduct. This subsection does not limit any  
27 other immunity provisions that are prescribed by law.

28 ~~HH.~~ GG. Sponsors authorized pursuant to this section shall submit  
29 an annual report to the auditor general on or before October 1. The report  
30 shall include:

31 1. The current number of charters authorized and the number of  
32 schools operated by authorized charter holders.



1           2. The academic, operational and financial performance of the  
2 sponsor's charter portfolio as measured by the sponsor's adopted  
3 performance framework.

4           3. For the prior year, the number of new charters approved, the  
5 number of charter schools closed and the reason for the closure.

6           4. The sponsor's application, amendment, renewal and revocation  
7 processes, charter contract template and current performance framework as  
8 required by this section.

9           ~~HH~~ HH. The auditor general shall prescribe the format for the  
10 annual report required by subsection ~~HH~~ GG of this section and may require  
11 that the annual report be submitted electronically. The auditor general  
12 shall review the submitted annual reports to ensure that the reports  
13 include the required items in subsection ~~HH~~ GG of this section and shall  
14 make the annual reports available on request. If the auditor general finds  
15 significant noncompliance or if a sponsor fails to submit the annual report  
16 required by subsection ~~HH~~ GG of this section, on or before December 31 of  
17 each year the auditor general shall report to the governor, the president  
18 of the senate, the speaker of the house of representatives and the chairs  
19 of the senate and house education committees or their successor committees,  
20 and the legislature shall consider revoking the sponsor's authority to  
21 sponsor charter schools.

22           Sec. 5. Section 15-211, Arizona Revised Statutes, is amended to  
23 read:

24           15-211. K-3 reading program; dyslexia specialist; dyslexia  
25                           training; receipt and use of monies; additional  
26                           funding; annual report

27           A. The department of education shall administer a K-3 reading  
28 program to improve the reading proficiency of pupils in kindergarten  
29 programs and grades one, two and three in the public schools of this state.

30           B. The department of education shall designate a dyslexia specialist  
31 for the department to provide school districts and charter schools with  
32 support and resources that are necessary to assist students with dyslexia.

1 C. On or before July 1, 2022, each school district and charter  
2 school shall ensure that at least one kindergarten through third grade  
3 teacher OR DESIGNATED EMPLOYEE in each school has received training related  
4 to dyslexia that complies with the requirements prescribed in section  
5 15-219.

6 D. Each school district and charter school shall submit to the  
7 department of education a plan for improving the reading proficiency of the  
8 school district's or the charter school's pupils in kindergarten programs  
9 and grades one, two and three. The plan shall include baseline data on the  
10 reading proficiency of the school district's or the charter school's pupils  
11 in kindergarten programs and grades one, two and three and a budget for  
12 spending monies from both the K-3 support level weight and the K-3 reading  
13 support level weight established in section 15-943. Each school district  
14 and charter school THAT IS ASSIGNED A LETTER GRADE OF D OR F PURSUANT TO  
15 SECTION 15-241 OR THAT HAS MORE THAN TEN PERCENT OF ITS PUPILS IN GRADE  
16 THREE WHO DO NOT DEMONSTRATE SUFFICIENT READING SKILLS AS ESTABLISHED BY  
17 THE STATE BOARD OF EDUCATION ACCORDING TO THE READING PORTION OF THE  
18 STATEWIDE ASSESSMENT shall annually submit to the department of education  
19 on or before October 1 an updated K-3 reading program plan that includes  
20 data on program expenditures and results.

21 E. School districts and charter schools shall use monies generated  
22 by the K-3 reading support level weight established in section 15-943 only  
23 on instructional purposes based on the plan submitted pursuant to  
24 subsection D of this section intended to improve reading proficiency for  
25 pupils in kindergarten programs and grades one, two and three with  
26 particular emphasis on pupils in kindergarten programs and grades one and  
27 two.

28 F. Each school district and charter school that is assigned a letter  
29 grade of ~~C~~, D or F pursuant to section 15-241 or that has more than ten  
30 percent of its pupils in grade three who do not demonstrate sufficient  
31 reading skills as established by the state board of education according to  
32 the reading portion of the statewide assessment shall receive monies

1 generated by the K-3 reading support level weight established in section  
2 15-943 only after the K-3 reading program plan of the school district or  
3 charter school has been submitted, reviewed and recommended for approval by  
4 the department of education and approved by the state board. The state  
5 board must give approval to a school district or charter school before any  
6 portion of the monies generated by the K-3 reading support level weight may  
7 be distributed to the school district or charter school pursuant to this  
8 subsection.

9 G. Pupils in a charter school that is in its first year of operation  
10 and that is sponsored by the state board of education, the state board for  
11 charter schools, a university under the jurisdiction of the Arizona board  
12 of regents, a community college district or a group of community college  
13 districts are eligible for the K-3 reading support level weight.

14 H. The department of education shall solicit gifts, grants and  
15 donations from any lawful public or private source in order to provide  
16 additional funding for the K-3 reading program.

17 I. The state board of education may establish rules and policies for  
18 the K-3 reading program, including:

19 1. The proper use of monies in accordance with subsection E of this  
20 section.

21 2. The distribution of monies by the department of education in  
22 accordance with subsection D of this section.

23 3. The compliance of reading proficiency plans submitted pursuant to  
24 subsection D of this section with section 15-704.

25 J. Pursuant to subsection I of this section, the department of  
26 education shall develop program implementation guidance for school  
27 districts and charter schools to assist schools in administering an  
28 effective K-3 evidence-based reading program plan. This guidance shall  
29 include identifying and recommending appropriate program expenditures,  
30 providing technical oversight and assistance for annually updating reading  
31 program plans, selecting and adopting evidence-based reading curricula and  
32 providing and promoting teacher professional development that is based on

1 evidence-based reading research. The department shall prioritize supports  
2 and interventions, including enrollment in reading trainings and  
3 professional development, for school districts and charter schools that  
4 have the highest percentage of pupils who do not demonstrate sufficient  
5 reading skills as established by the state board of education. The  
6 department shall deposit any monies received for offering reading trainings  
7 or professional development, including coaching, in the department of  
8 education professional development revolving fund established by section  
9 15-237.01.

10 K. On or before December 15, the department of education shall  
11 submit an annual report on the K-3 reading program to the governor, the  
12 president of the senate and the speaker of the house of representatives and  
13 shall provide a copy of this annual report to the secretary of state, the  
14 state board of education and the chairpersons of the education committees  
15 of the senate and the house of representatives. The report shall contain  
16 all of the following:

17 1. Information on the improvement of K-3 reading in this state,  
18 including achievement data statewide and achievement data at the school  
19 district and charter school level. The information pursuant to this  
20 paragraph shall include data and information on continued proficiency on  
21 the statewide assessment in subsequent grades.

22 2. A description of the activities of the department to support  
23 school districts and charter schools in improving K-3 reading.

24 3. Specific findings on methods by which the department may continue  
25 to improve support and assistance for school districts and charter schools  
26 in the administration of K-3 reading program plans.

27 4. Information and data on K-3 reading program plans throughout this  
28 state and the expenditure of K-3 reading monies by school districts and  
29 charter schools.

30 5. Data reported pursuant to section 15-701, subsection A,  
31 paragraph 2, subdivision (d).

1           Sec. 6. Section 15-219, Arizona Revised Statutes, is amended to  
2 read:

3           15-219. Dyslexia and reading impairment screening,  
4                   intervention, accommodation and technology;  
5                   continuing education; rules; training

6           A. The state board of education shall adopt rules to allow  
7 certificated teachers, DESIGNATED SCHOOL EMPLOYEES and administrators to  
8 count training regarding screening, intervention, accommodation, use of  
9 technology and advocacy for students with reading impairments, including  
10 dyslexia, as continuing education credits.

11           B. The department of education shall annually develop a list of  
12 training opportunities related to dyslexia that satisfy the requirements  
13 prescribed in subsection C of this section.

14           C. The training opportunities related to dyslexia developed pursuant  
15 to this section must meet professional development requirements and all of  
16 the following requirements:

17           1. Include at least one training opportunity that is provided  
18 entirely online.

19           2. Include the knowledge and practice standards of an international  
20 organization on dyslexia that is designated by the department of education.

21           3. Enable teachers, DESIGNATED SCHOOL EMPLOYEES AND ADMINISTRATORS  
22 to understand and recognize dyslexia.

23           4. Enable teachers, DESIGNATED SCHOOL EMPLOYEES AND ADMINISTRATORS  
24 to implement structured literacy instruction that is systematic, explicit,  
25 multisensory and evidence-based to meet the educational needs of students  
26 with dyslexia.

27           Sec. 7. Section 15-249.16, Arizona Revised Statutes, is amended to  
28 read:

29           15-249.16. Statutory handbooks of parental rights; posting

30           A. The department shall ~~establish~~ DEVELOP and post on its website a  
31 statutory handbook of parental rights ~~that consists~~ OUTLINING THE RIGHTS OF  
32 PARENTS OF CHILDREN ENROLLED IN SCHOOL DISTRICTS AND A STATUTORY HANDBOOK

1 OF PARENTAL RIGHTS OUTLINING THE RIGHTS OF PARENTS OF CHILDREN ENROLLED IN  
2 CHARTER SCHOOLS.

3 B. THE STATUTORY HANDBOOK OF PARENTAL RIGHTS OUTLINING THE RIGHTS OF  
4 PARENTS OF CHILDREN ENROLLED IN SCHOOL DISTRICTS SHALL CONSIST of the text  
5 of the following statutes:

- 6 1. Title 1, chapter 6.
- 7 2. Section 15-102.
- 8 3. Section 15-110.
- 9 4. Section 15-113.
- 10 5. Section 15-117.
- 11 6. Section 15-351.
- 12 7. Section 15-721.
- 13 8. Section 15-722.
- 14 9. Section 15-730.

15 C. THE STATUTORY HANDBOOK OF PARENTAL RIGHTS OUTLINING THE RIGHTS OF  
16 PARENTS OF CHILDREN ENROLLED IN CHARTER SCHOOLS SHALL CONSIST OF THE TEXT  
17 OF THE FOLLOWING STATUTES:

- 18 1. TITLE 1, CHAPTER 6.
- 19 2. SECTION 15-102.
- 20 3. SECTION 15-110.
- 21 4. SECTION 15-113.
- 22 5. SECTION 15-117.

23 ~~B.~~ D. Each school district and charter school in this state shall  
24 ~~prominently~~ post on a publicly accessible portion of its website a link to  
25 the statutory handbook of parental rights ~~established~~ DEVELOPED pursuant to  
26 subsection A of this section.

27 Sec. 8. Section 15-341, Arizona Revised Statutes, is amended to  
28 read:

29 15-341. General powers and duties; immunity; delegation

30 A. The governing board shall:

1           1. Prescribe and enforce policies and procedures to govern the  
2 schools that are not inconsistent with the laws or rules prescribed by the  
3 state board of education.

4           2. Exclude from schools all books, publications, papers or  
5 audiovisual materials of a sectarian, partisan or denominational  
6 character. This paragraph does not prohibit the elective course allowed by  
7 section 15-717.01.

8           3. Manage and control the school property within its district,  
9 except that a district may enter into a partnership with an entity,  
10 including a charter school, another school district or a military base, to  
11 operate a school or offer educational services in a district building,  
12 including at a vacant or partially used building, or in any building on the  
13 entity's property pursuant to a written agreement between the parties.

14           4. Acquire school furniture, apparatus, equipment, library books and  
15 supplies for the schools to use.

16           5. Prescribe the curricula and criteria for the promotion and  
17 graduation of pupils as provided in sections 15-701 and 15-701.01.

18           6. Furnish, repair and insure, at full insurable value, the school  
19 property of the district.

20           7. Construct school buildings on approval by a vote of the district  
21 electors.

22           8. In the name of the district, convey property belonging to the  
23 district and sold by the board.

24           9. Purchase school sites when authorized by a vote of the district  
25 at an election conducted as nearly as practicable in the same manner as the  
26 election provided in section 15-481 and held on a date prescribed in  
27 section 15-491, subsection E, but such authorization shall not necessarily  
28 specify the site to be purchased and such authorization shall not be  
29 necessary to exchange unimproved property as provided in section 15-342,  
30 paragraph 23.

1           10. Construct, improve and furnish buildings used for school  
2 purposes when such buildings or premises are leased from the national park  
3 service.

4           11. Purchase school sites or construct, improve and furnish school  
5 buildings from the proceeds of the sale of school property only on approval  
6 by a vote of the district electors.

7           12. Hold pupils to strict account for disorderly conduct on school  
8 property.

9           13. Discipline students for disorderly conduct on the way to and  
10 from school.

11           14. Except as provided in section 15-1224, deposit all monies  
12 received by the district as gifts, grants and devises with the county  
13 treasurer who shall credit the deposits as designated in the uniform system  
14 of financial records. If not inconsistent with the terms of the gifts,  
15 grants and devises given, any balance remaining after expenditures for the  
16 intended purpose of the monies have been made shall be used to reduce  
17 school district taxes for the budget year, except that in the case of  
18 accommodation schools the county treasurer shall carry the balance forward  
19 for use by the county school superintendent for accommodation schools for  
20 the budget year.

21           15. Provide that, if a parent or legal guardian chooses not to  
22 accept a decision of the teacher as provided in paragraph ~~42~~ 41 of this  
23 subsection, the parent or legal guardian may request in writing that the  
24 governing board review the teacher's decision. This paragraph does not  
25 release school districts from any liability relating to a child's promotion  
26 or retention.

27           16. Provide for adequate supervision over pupils in instructional  
28 and noninstructional activities by certificated or noncertificated  
29 personnel.

30           17. Use school monies received from the state and county school  
31 apportionment exclusively to pay salaries of teachers and other employees  
32 and contingent expenses of the district.



1           18. Annually report to the county school superintendent on or before  
2           October 1 in the manner and form and on the blanks prescribed by the  
3           superintendent of public instruction or county school superintendent. The  
4           board shall also report directly to the county school superintendent or the  
5           superintendent of public instruction whenever required.

6           19. Deposit all monies received by school districts other than  
7           student activities monies or monies from auxiliary operations as provided  
8           in sections 15-1125 and 15-1126 with the county treasurer to the credit of  
9           the school district except as provided in paragraph 20 of this subsection  
10          and sections 15-1223 and 15-1224, and the board shall spend the monies as  
11          provided by law for other school funds.

12          20. Establish bank accounts in which the board during a month may  
13          deposit miscellaneous monies received directly by the district. The board  
14          shall remit monies deposited in the bank accounts at least monthly to the  
15          county treasurer for deposit as provided in paragraph 19 of this subsection  
16          and in accordance with the uniform system of financial records.

17          21. Prescribe and enforce policies and procedures for disciplinary  
18          action against a teacher who engages in conduct that is a violation of the  
19          policies of the governing board but that is not cause for dismissal of the  
20          teacher or for revocation of the certificate of the teacher. Disciplinary  
21          action may include suspension without pay for a period of time not to  
22          exceed ten school days. Disciplinary action shall not include suspension  
23          with pay or suspension without pay for a period of time longer than ten  
24          school days. The procedures shall include notice, hearing and appeal  
25          provisions for violations that are cause for disciplinary action. The  
26          governing board may designate a person or persons to act on behalf of the  
27          board on these matters.

28          22. Prescribe and enforce policies and procedures for disciplinary  
29          action against an administrator who engages in conduct that is a violation  
30          of the policies of the governing board regarding duties of administrators  
31          but that is not cause for dismissal of the administrator or for revocation  
32          of the certificate of the administrator. Disciplinary action may include

1 suspension without pay for a period of time not to exceed ten school days.  
2 Disciplinary action shall not include suspension with pay or suspension  
3 without pay for a period of time longer than ten school days. The  
4 procedures shall include notice, hearing and appeal provisions for  
5 violations that are cause for disciplinary action. The governing board may  
6 designate a person or persons to act on behalf of the board on these  
7 matters. For violations that are cause for dismissal, the provisions of  
8 notice, hearing and appeal in chapter 5, article 3 of this title  
9 apply. The filing of a timely request for a hearing suspends the  
10 imposition of a suspension without pay or a dismissal pending completion of  
11 the hearing.

12 23. Notwithstanding sections 13-3108 and 13-3120, prescribe and  
13 enforce policies and procedures that prohibit a person from carrying or  
14 possessing a weapon on school grounds unless the person is a peace officer  
15 or has obtained specific authorization from the school administrator.

16 24. Prescribe and enforce policies and procedures relating to the  
17 health and safety of all pupils participating in district-sponsored  
18 practice sessions or games or other interscholastic athletic activities,  
19 including:

20 (a) The provision of water.

21 (b) Guidelines, information and forms, developed in consultation  
22 with a statewide private entity that supervises interscholastic activities,  
23 to inform and educate coaches, pupils and parents of the dangers of  
24 concussions and head injuries and the risks of continued participation in  
25 athletic activity after a concussion. The policies and procedures shall  
26 require that, before a pupil participates in an athletic activity, the  
27 pupil and the pupil's parent sign an information form at least once each  
28 school year that states that the parent is aware of the nature and risk of  
29 concussion. The policies and procedures shall require that a pupil who is  
30 suspected of sustaining a concussion in a practice session, game or other  
31 interscholastic athletic activity be immediately removed from the athletic  
32 activity and that the pupil's parent or guardian be notified. A coach from

1 the pupil's team or an official or a licensed health care provider may  
2 remove a pupil from play. A team parent may also remove the parent's own  
3 child from play. A pupil may return to play on the same day if a health  
4 care provider rules out a suspected concussion at the time the pupil is  
5 removed from play. On a subsequent day, the pupil may return to play if  
6 the pupil has been evaluated by and received written clearance to resume  
7 participation in athletic activity from a health care provider who has been  
8 trained in evaluating and managing concussions and head injuries. A health  
9 care provider who is a volunteer and who provides clearance to participate  
10 in athletic activity on the day of the suspected injury or on a subsequent  
11 day is immune from civil liability with respect to all decisions made and  
12 actions taken that are based on good faith implementation of the  
13 requirements of this subdivision, except in cases of gross negligence or  
14 wanton or wilful neglect. A school district, school district employee,  
15 team coach, official or team volunteer or a parent or guardian of a team  
16 member is not subject to civil liability for any act, omission or policy  
17 undertaken in good faith to comply with the requirements of this  
18 subdivision or for a decision made or an action taken by a health care  
19 provider. A group or organization that uses property or facilities owned  
20 or operated by a school district for athletic activities shall comply with  
21 the requirements of this subdivision. A school district and its employees  
22 and volunteers are not subject to civil liability for any other person or  
23 organization's failure or alleged failure to comply with the requirements  
24 of this subdivision. This subdivision does not apply to teams that are  
25 based in another state and that participate in an athletic activity in this  
26 state. For the purposes of this subdivision, athletic activity does not  
27 include dance, rhythmic gymnastics, competitions or exhibitions of academic  
28 skills or knowledge or other similar forms of physical noncontact  
29 activities, civic activities or academic activities, whether engaged in for  
30 the purposes of competition or recreation. For the purposes of this  
31 subdivision, "health care provider" means a physician who is licensed  
32 pursuant to title 32, chapter 13, 14 or 17, an athletic trainer who is

1 licensed pursuant to title 32, chapter 41, a nurse practitioner who is  
2 licensed pursuant to title 32, chapter 15, and a physician assistant who is  
3 licensed pursuant to title 32, chapter 25.

4 (c) Guidelines, information and forms that are developed in  
5 consultation with a statewide private entity that supervises  
6 interscholastic activities to inform and educate coaches, pupils and  
7 parents of the dangers of heat-related illnesses, sudden cardiac death and  
8 prescription opioid use. Before a pupil participates in any  
9 district-sponsored practice session or game or other interscholastic  
10 athletic activity, the pupil and the pupil's parent must be provided with  
11 information at least once each school year on the risks of heat-related  
12 illnesses, sudden cardiac death and prescription opioid addiction.

13 25. Establish an assessment, data gathering and reporting system as  
14 prescribed in chapter 7, article 3 of this title.

15 26. Provide special education programs and related services pursuant  
16 to section 15-764, subsection A to all children with disabilities as  
17 defined in section 15-761.

18 27. Administer competency tests prescribed by the state board of  
19 education for the graduation of pupils from high school.

20 28. Ensure that insurance coverage is secured for all construction  
21 projects for purposes of general liability, property damage and workers'  
22 compensation and secure performance and payment bonds for all construction  
23 projects.

24 ~~29. Keep in the personnel file of all current and former employees~~  
25 ~~who provide instruction to pupils at a school information about the~~  
26 ~~employee's educational and teaching background and experience in a~~  
27 ~~particular academic content subject area. A school district shall inform~~  
28 ~~parents and guardians of the availability of the information and shall make~~  
29 ~~the information available for inspection on request of parents and~~  
30 ~~guardians of pupils enrolled at a school. This paragraph does not require~~  
31 ~~any school to release personally identifiable information in relation to~~

~~any teacher or employee, including the teacher's or employee's address, salary, social security number or telephone number.~~

~~30.~~ 29. Report to local law enforcement agencies any suspected crime against a person or property that is a serious offense as defined in section 13-706 or that involves a deadly weapon or dangerous instrument or serious physical injury and any conduct that poses a threat of death or serious physical injury to employees, students or anyone on the property of the school. This paragraph does not limit or preclude the reporting by a school district or an employee of a school district of suspected crimes other than those required to be reported by this paragraph. For the purposes of this paragraph, "dangerous instrument", "deadly weapon" and "serious physical injury" have the same meanings prescribed in section 13-105.

~~31.~~ 30. In conjunction with local law enforcement agencies and emergency response agencies, develop an emergency response plan for each school in the school district in accordance with minimum standards developed jointly by the department of education and the division of emergency management within the department of emergency and military affairs.

~~32.~~ 31. Provide written notice to the parents or guardians of all students enrolled in the school district at least ten days before a public meeting to discuss closing a school within the school district. The notice shall include the reasons for the proposed closure and the time and place of the meeting. The governing board shall fix a time for a public meeting on the proposed closure not less than ten days before voting in a public meeting to close the school. The school district governing board shall give notice of the time and place of the meeting. At the time and place designated in the notice, the school district governing board shall hear reasons for or against closing the school. The school district governing board is exempt from this paragraph if the governing board determines that the school shall be closed because it poses a danger to the health or safety of the pupils or employees of the school. A governing board may

1 consult with the division of school facilities within the department of  
2 administration for technical assistance and for information on the impact  
3 of closing a school. The information provided from the division of school  
4 facilities within the department of administration shall not require the  
5 governing board to take or not take any action.

6 ~~33.~~ 32. Incorporate instruction on Native American history into  
7 appropriate existing curricula.

8 ~~34.~~ 33. Prescribe and enforce policies and procedures:

9 (a) Allowing pupils who have been diagnosed with anaphylaxis by a  
10 health care provider licensed pursuant to title 32, chapter 13, 14, 17 or  
11 25 or by a registered nurse practitioner licensed and certified pursuant to  
12 title 32, chapter 15 to carry and self-administer emergency medications,  
13 including epinephrine auto-injectors, while at school and at  
14 school-sponsored activities. The pupil's name on the prescription label on  
15 the medication container or on the medication device and annual written  
16 documentation from the pupil's parent or guardian to the school that  
17 authorizes possession and self-administration is sufficient proof that the  
18 pupil is entitled to possess and self-administer the medication. The  
19 policies shall require a pupil who uses an epinephrine auto-injector while  
20 at school and at school-sponsored activities to notify the nurse or the  
21 designated school staff person of the use of the medication as soon as  
22 practicable. A school district and its employees are immune from civil  
23 liability with respect to all decisions made and actions taken that are  
24 based on good faith implementation of the requirements of this subdivision,  
25 except in cases of wanton or wilful neglect.

26 (b) For the emergency administration of epinephrine auto-injectors  
27 by a trained employee of a school district pursuant to section 15-157.

28 ~~35.~~ 34. Allow the possession and self-administration of  
29 prescription medication for breathing disorders in handheld inhaler devices  
30 by pupils who have been prescribed that medication by a health care  
31 professional licensed pursuant to title 32. The pupil's name on the  
32 prescription label on the medication container or on the handheld inhaler

1 device and annual written documentation from the pupil's parent or guardian  
2 to the school that authorizes possession and self-administration is  
3 sufficient proof that the pupil is entitled to possess and self-administer  
4 the medication. A school district and its employees are immune from civil  
5 liability with respect to all decisions made and actions taken that are  
6 based on a good faith implementation of the requirements of this paragraph.

7 ~~36.~~ 35. Prescribe and enforce policies and procedures to prohibit  
8 pupils from harassing, intimidating and bullying other pupils on school  
9 grounds, on school property, on school buses, at school bus stops, at  
10 school-sponsored events and activities and through the use of electronic  
11 technology or electronic communication on school computers, networks,  
12 forums and mailing lists that include the following components:

13 (a) A procedure for pupils, parents and school district employees to  
14 confidentially report to school officials incidents of harassment,  
15 intimidation or bullying. The school shall make available written forms  
16 designed to provide a full and detailed description of the incident and any  
17 other relevant information about the incident.

18 (b) A requirement that school district employees report in writing  
19 suspected incidents of harassment, intimidation or bullying to the  
20 appropriate school official and a description of appropriate disciplinary  
21 procedures for employees who fail to report suspected incidents that are  
22 known to the employee.

23 (c) A requirement that, at the beginning of each school year, school  
24 officials provide all pupils with a written copy of the rights, protections  
25 and support services available to a pupil who is an alleged victim of an  
26 incident reported pursuant to this paragraph.

27 (d) If an incident is reported pursuant to this paragraph, a  
28 requirement that school officials provide a pupil who is an alleged victim  
29 of the incident with a written copy of the rights, protections and support  
30 services available to that pupil.

31 (e) A formal process for documenting reported incidents of  
32 harassment, intimidation or bullying and providing for the confidentiality,

1 maintenance and disposition of this documentation. School districts shall  
2 maintain documentation of all incidents reported pursuant to this paragraph  
3 for at least six years. The school shall not use that documentation to  
4 impose disciplinary action unless the appropriate school official has  
5 investigated and determined that the reported incidents of harassment,  
6 intimidation or bullying occurred. If a school provides documentation of  
7 reported incidents to persons other than school officials or law  
8 enforcement, all individually identifiable information shall be redacted.

9 (f) A formal process for the appropriate school officials to  
10 investigate suspected incidents of harassment, intimidation or bullying,  
11 including procedures for notifying the alleged victim and the alleged  
12 victim's parent or guardian when a school official or employee becomes  
13 aware of the suspected incident of harassment, intimidation or bullying.

14 (g) Disciplinary procedures for pupils who have admitted or been  
15 found to have committed incidents of harassment, intimidation or bullying.

16 (h) A procedure that sets forth consequences for submitting false  
17 reports of incidents of harassment, intimidation or bullying.

18 (i) Procedures designed to protect the health and safety of pupils  
19 who are physically harmed as the result of incidents of harassment,  
20 intimidation and bullying, including, if appropriate, procedures to contact  
21 emergency medical services or law enforcement agencies, or both.

22 (j) Definitions of harassment, intimidation and bullying.

23 ~~37.~~ 36. Prescribe and enforce policies and procedures regarding  
24 changing or adopting attendance boundaries that include the following  
25 components:

26 (a) A procedure for holding public meetings to discuss attendance  
27 boundary changes or adoptions that allows public comments.

28 (b) A procedure to notify the parents or guardians of the students  
29 affected, including assurance that, if that school remains open as part of  
30 the boundary change and capacity is available, students assigned to a new  
31 attendance area may stay enrolled in their current school.



1 (c) A procedure to notify the residents of the households affected  
2 by the attendance boundary changes.

3 (d) A process for placing public meeting notices and proposed maps  
4 on the school district's website for public review, if the school district  
5 maintains a website.

6 (e) A formal process for presenting the attendance boundaries of the  
7 affected area in public meetings that allows public comments.

8 (f) A formal process for notifying the residents and parents or  
9 guardians of the affected area as to the decision of the governing board on  
10 the school district's website, if the school district maintains a website.

11 (g) A formal process for updating attendance boundaries on the  
12 school district's website within ninety days after an adopted boundary  
13 change. The school district shall send a direct link to the school  
14 district's attendance boundaries website to the department of real estate.

15 ~~38.~~ 37. If the state board of education determines that the school  
16 district has committed an overexpenditure as defined in section 15-107,  
17 provide a copy of the fiscal management report submitted pursuant to  
18 section 15-107, subsection H on its website and make copies available to  
19 the public on request. The school district shall comply with a request  
20 within five business days after receipt.

21 ~~39.~~ 38. Ensure that the contract for the superintendent is  
22 structured in a manner in which up to twenty percent of the total annual  
23 salary included for the superintendent in the contract is classified as  
24 performance pay. This paragraph does not require school districts to  
25 increase total compensation for superintendents. Unless the school  
26 district governing board votes to implement an alternative procedure at a  
27 public meeting called for this purpose, the performance pay portion of the  
28 superintendent's total annual compensation shall be determined as follows:

29 (a) Twenty-five percent of the performance pay shall be determined  
30 based on the percentage of academic gain determined by the department of  
31 education of pupils who are enrolled in the school district compared to the  
32 academic gain achieved by the highest ranking of the fifty largest school

1 districts in this state. For the purposes of this subdivision, the  
2 department of education shall determine academic gain by the academic  
3 growth achieved by each pupil who has been enrolled at the same school in a  
4 school district for at least five consecutive months measured against that  
5 pupil's academic results in the 2008-2009 school year. For the purposes of  
6 this subdivision, of the fifty largest school districts in this state, the  
7 school district with pupils who demonstrate the highest statewide  
8 percentage of overall academic gain measured against academic results for  
9 the 2008-2009 school year shall be assigned a score of 100 and the school  
10 district with pupils who demonstrate the lowest statewide percentage of  
11 overall academic gain measured against academic results for the 2008-2009  
12 school year shall be assigned a score of 0.

13 (b) Twenty-five percent of the performance pay shall be determined  
14 by the percentage of parents of pupils who are enrolled at the school  
15 district who assign a letter grade of "A" to the school on a survey of  
16 parental satisfaction with the school district. The parental satisfaction  
17 survey shall be administered and scored by an independent entity that is  
18 selected by the governing board and that demonstrates sufficient expertise  
19 and experience to accurately measure the results of the survey. The  
20 parental satisfaction survey shall use standard random sampling procedures  
21 and provide anonymity and confidentiality to each parent who participates  
22 in the survey. The letter grade scale used on the parental satisfaction  
23 survey shall direct parents to assign one of the following letter grades:

- 24 (i) A letter grade of "A" if the school district is excellent.
- 25 (ii) A letter grade of "B" if the school district is above average.
- 26 (iii) A letter grade of "C" if the school district is average.
- 27 (iv) A letter grade of "D" if the school district is below average.
- 28 (v) A letter grade of "F" if the school district is a failure.

29 (c) Twenty-five percent of the performance pay shall be determined  
30 by the percentage of teachers who are employed at the school district and  
31 who assign a letter grade of "A" to the school on a survey of teacher  
32 satisfaction with the school. The teacher satisfaction survey shall be

1 administered and scored by an independent entity that is selected by the  
2 governing board and that demonstrates sufficient expertise and experience  
3 to accurately measure the results of the survey. The teacher satisfaction  
4 survey shall use standard random sampling procedures and provide anonymity  
5 and confidentiality to each teacher who participates in the survey. The  
6 letter grade scale used on the teacher satisfaction survey shall direct  
7 teachers to assign one of the following letter grades:

8 (i) A letter grade of "A" if the school district is excellent.

9 (ii) A letter grade of "B" if the school district is above average.

10 (iii) A letter grade of "C" if the school district is average.

11 (iv) A letter grade of "D" if the school district is below average.

12 (v) A letter grade of "F" if the school district is a failure.

13 (d) Twenty-five percent of the performance pay shall be determined  
14 by other criteria selected by the governing board.

15 ~~40.~~ 39. Maintain and store permanent public records of the school  
16 district as required by law. Notwithstanding section 39-101, the standards  
17 adopted by the Arizona state library, archives and public records for the  
18 maintenance and storage of school district public records shall allow  
19 school districts to elect to satisfy the requirements of this paragraph by  
20 maintaining and storing these records either on paper or in an electronic  
21 format, or a combination of a paper and electronic format.

22 ~~41.~~ 40. Adopt in a public meeting and implement policies for  
23 principal evaluations. Before adopting principal evaluation policies, the  
24 school district governing board shall provide opportunities for public  
25 discussion on the proposed policies. The governing board shall adopt  
26 policies that:

27 (a) Are designed to improve principal performance and improve  
28 student achievement.

29 (b) Include the use of quantitative data on the academic progress  
30 for all students, which shall account for between twenty percent and  
31 thirty-three percent of the evaluation outcomes.

1 (c) Include four performance classifications, designated as highly  
2 effective, effective, developing and ineffective.

3 (d) Describe both of the following:

4 (i) The methods used to evaluate the performance of principals,  
5 including the data used to measure student performance and job  
6 effectiveness.

7 (ii) The formula used to determine evaluation outcomes.

8 ~~42.~~ 41. Prescribe and enforce policies and procedures that define  
9 the duties of principals and teachers. These policies and procedures shall  
10 authorize teachers to take and maintain daily classroom attendance, make  
11 the decision to promote or retain a pupil in a grade in common school or to  
12 pass or fail a pupil in a course in high school, subject to review by the  
13 governing board in the manner provided in section 15-342, paragraph 11.

14 ~~43.~~ 42. Prescribe and enforce policies and procedures for the  
15 emergency administration by an employee of a school district pursuant to  
16 section 36-2267 of naloxone hydrochloride or any other opioid antagonist  
17 approved by the United States food and drug administration.

18 ~~44.~~ 43. In addition to the notification requirements prescribed in  
19 paragraph ~~36~~ 35 of this subsection, prescribe and enforce reasonable and  
20 appropriate policies to notify a pupil's parent or guardian if any person  
21 engages in harassing, threatening or intimidating conduct against that  
22 pupil. A school district and its officials and employees are immune from  
23 civil liability with respect to all decisions made and actions taken that  
24 are based on good faith implementation of the requirements of this  
25 paragraph, except in cases of gross negligence or wanton or wilful  
26 neglect. A person engages in threatening or intimidating if the person  
27 threatens or intimidates by word or conduct to cause physical injury to  
28 another person or serious damage to the property of another on school  
29 grounds. A person engages in harassment if, with intent to harass or with  
30 knowledge that the person is harassing another person, the person  
31 anonymously or otherwise contacts, communicates or causes a communication  
32 with another person by verbal, electronic, mechanical, telephonic or

1 written means in a manner that harasses on school grounds or substantially  
2 disrupts the school environment.

3 ~~45.~~ 44. Each fiscal year, provide to each school district employee  
4 a total compensation statement that is broken down by category of benefit  
5 or payment and that includes, for that employee, at least all of the  
6 following:

- 7 (a) Base salary and any additional pay.
- 8 (b) Medical benefits and the value of any employer-paid portions of  
9 insurance plan premiums.
- 10 (c) Retirement benefit plans, including social security.
- 11 (d) Legally required benefits.
- 12 (e) Any paid leave.
- 13 (f) Any other payment made to or on behalf of the employee.
- 14 (g) Any other benefit provided to the employee.

15 ~~46.~~ 45. Develop and adopt in a public meeting policies to allow for  
16 visits, tours and observations of all classrooms by parents of enrolled  
17 pupils and parents who wish to enroll their children in the school district  
18 unless a visit, tour or observation threatens the health and safety of  
19 pupils and staff. These policies and procedures must be easily accessible  
20 from the home page on each school's website.

21 B. Notwithstanding subsection A, paragraphs 7, 9 and 11 of this  
22 section, the county school superintendent may construct, improve and  
23 furnish school buildings or purchase or sell school sites in the conduct of  
24 an accommodation school.

25 C. If any school district acquires real or personal property,  
26 whether by purchase, exchange, condemnation, gift or otherwise, the  
27 governing board shall pay to the county treasurer any taxes on the property  
28 that were unpaid as of the date of acquisition, including penalties and  
29 interest. The lien for unpaid delinquent taxes, penalties and interest on  
30 property acquired by a school district:

- 31 1. Is not abated, extinguished, discharged or merged in the title to  
32 the property.

1           2. Is enforceable in the same manner as other delinquent tax liens.

2           D. The governing board may not locate a school on property that is  
3 less than one-fourth mile from agricultural land regulated pursuant to  
4 section 3-365, except that the owner of the agricultural land may agree to  
5 comply with the buffer zone requirements of section 3-365. If the owner  
6 agrees in writing to comply with the buffer zone requirements and records  
7 the agreement in the office of the county recorder as a restrictive  
8 covenant running with the title to the land, the school district may locate  
9 a school within the affected buffer zone. The agreement may include any  
10 stipulations regarding the school, including conditions for future  
11 expansion of the school and changes in the operational status of the school  
12 that will result in a breach of the agreement.

13           E. A school district, its governing board members, its school  
14 council members and its employees are immune from civil liability for the  
15 consequences of adopting and implementing policies and procedures pursuant  
16 to subsection A of this section and section 15-342. This waiver does not  
17 apply if the school district, its governing board members, its school  
18 council members or its employees are guilty of gross negligence or  
19 intentional misconduct.

20           F. A governing board may delegate in writing to a superintendent,  
21 principal or head teacher the authority to prescribe procedures that are  
22 consistent with the governing board's policies.

23           G. Notwithstanding any other provision of this title, a school  
24 district governing board shall not take any action that would result in a  
25 reduction of pupil square footage unless the governing board notifies the  
26 school facilities oversight board established by section 41-5701.02 of the  
27 proposed action and receives written approval from the school facilities  
28 oversight board to take the action. A reduction includes an increase in  
29 administrative space that results in a reduction of pupil square footage or  
30 sale of school sites or buildings, or both. A reduction includes a  
31 reconfiguration of grades that results in a reduction of pupil square  
32 footage of any grade level. This subsection does not apply to temporary

1 reconfiguration of grades to accommodate new school construction if the  
2 temporary reconfiguration does not exceed one year. The sale of equipment  
3 that results in a reduction that falls below the equipment requirements  
4 prescribed in section 41-5711, subsection B is subject to commensurate  
5 withholding of school district district additional assistance monies  
6 pursuant to the direction of the school facilities oversight board. Except  
7 as provided in section 15-342, paragraph 10, proceeds from the sale of  
8 school sites, buildings or other equipment shall be deposited in the school  
9 plant fund as provided in section 15-1102.

10 H. Subsections C through G of this section apply to a county board  
11 of supervisors and a county school superintendent when operating and  
12 administering an accommodation school.

13 I. A school district governing board may delegate authority in  
14 writing to the superintendent of the school district to submit plans for  
15 new school facilities to the school facilities oversight board for the  
16 purpose of certifying that the plans meet the minimum school facility  
17 adequacy guidelines prescribed in section 41-5711.

18 J. For the purposes of subsection A, paragraph ~~37~~ 36 of this  
19 section, attendance boundaries may not be used to require students to  
20 attend certain schools based on the student's place of residence.

21 Sec. 9. Section 15-344, Arizona Revised Statutes, is amended to  
22 read:

23 15-344. Administration of prescription, patent or proprietary  
24 medications by employees; civil immunity; definition

25 A. Each school district governing board and charter school governing  
26 body shall establish policies and procedures governing the administration  
27 of a prescription medication or a patent or proprietary medication to  
28 students by employees. In the case of a minor student, such administration  
29 shall only occur on the written request or authorization of a parent or  
30 legal guardian, except for an emergency administration pursuant to section  
31 15-157 or 15-158 or section 15-341, subsection A, paragraph ~~43~~ 42.

1           B. School districts, charter schools and employees of school  
2 districts and charter schools are immune from civil liability for the  
3 consequences of the good faith adoption and implementation of policies and  
4 procedures pursuant to this section.

5           C. For the purposes of this section, "administration of a  
6 prescription medication or a patent or proprietary medication" means the  
7 giving of a single dose of medication or the giving of a treatment package  
8 in its original container.

9           Sec. 10. Section 15-701, Arizona Revised Statutes, is amended to  
10 read:

11           15-701. Common schools; promotions; requirements; certificate;  
12                           supervision of eighth grades by superintendent of  
13                           high school district; high school admissions;  
14                           academic credit; definition

15           A. The state board of education shall:

16           1. Prescribe a minimum course of study incorporating the academic  
17 standards adopted by the state board of education to be taught in the  
18 common schools.

19           2. Prescribe competency requirements for the promotion of pupils  
20 from the eighth grade and competency requirements for the promotion of  
21 pupils from the third grade ~~incorporating~~ **THAT INCORPORATE** the academic  
22 standards in at least the areas of reading, writing, mathematics, science  
23 and social studies. The competency requirements for the promotion of  
24 pupils from the third grade shall include the following:

25           (a) A requirement that a pupil not be promoted from the third grade  
26 if the pupil obtains a score on the reading portion of the statewide  
27 assessment that does not demonstrate sufficient reading skills as  
28 established by the state board. A pupil may not be retained pursuant to  
29 this subdivision if data regarding the pupil's performance on the statewide  
30 assessment is not available before the end of the current academic year and  
31 may not be retained more than once. A pupil who is not retained due to the  
32 unavailability of test data must receive evidence-based intervention and



1 remedial strategies pursuant to subdivision (c) of this paragraph if the  
2 third grade assessment data subsequently does not demonstrate sufficient  
3 reading skills.

4 (b) A mechanism to allow a school district governing board or ~~the~~  
5 ~~governing body of a~~ charter school GOVERNING BODY to promote from the third  
6 grade a pupil who does not demonstrate sufficient reading skills pursuant  
7 to subdivision (a) of this paragraph if the pupil:

8 (i) Is an English learner or a limited English proficient student as  
9 defined in section 15-751 and has had fewer than three years of English  
10 language instruction.

11 (ii) Is in the process of a special education referral or evaluation  
12 for placement in special education, has been diagnosed as having a  
13 significant reading impairment, including dyslexia, or is a child with a  
14 disability as defined in section 15-761 if the pupil's individualized  
15 education program team and the pupil's parent or guardian agree that  
16 promotion is appropriate based on the pupil's individualized education  
17 program.

18 (iii) Has demonstrated or subsequently demonstrates sufficient  
19 reading skills or adequate progress toward sufficient reading skills of the  
20 third grade reading standards as evidenced through a collection of reading  
21 assessments approved by the state board of education, which includes an  
22 alternative standardized reading assessment approved by the state board.

23 (iv) Receives intervention and remedial services during the summer  
24 or a subsequent school year pursuant to subdivision (c) of this paragraph  
25 and demonstrates sufficient progress based on guidelines issued pursuant to  
26 subsection B, paragraph 7 of this section.

27 (c) Evidence-based intervention and remedial strategies developed by  
28 the state board of education for pupils who are not promoted from the third  
29 grade. A school district governing board or ~~the governing body of a~~  
30 charter school GOVERNING BODY shall offer more than one of the intervention  
31 and remedial strategies developed by the state board of education. The  
32 parent or guardian of a pupil who is not promoted from the third grade and

1 the pupil's teacher and principal may choose the most appropriate  
2 intervention and remedial strategies that will be provided to that  
3 pupil. The intervention and remedial strategies developed by the state  
4 board of education shall include:

5 (i) A requirement that the pupil be assigned for evidence-based  
6 reading instruction by a different teacher who, **IF SUBJECT TO PERFORMANCE**  
7 **EVALUATIONS**, was designated in that teacher's most recent performance  
8 evaluation in one of the top two performance classifications.

9 (ii) Summer school reading instruction.

10 (iii) In the next academic year, intensive reading instruction that  
11 occurs before, during or after the regular school day, or any combination  
12 of before, during and after the regular school day.

13 (iv) Small group and teacher-led evidence-based reading instruction,  
14 which may include computer-based or online reading instruction.

15 (d) A requirement that a school district governing board or charter  
16 school governing body that promotes a pupil pursuant to subdivision (b) of  
17 this paragraph provide annual reporting to the department of education on  
18 or before October 1 that includes information on the total number of pupils  
19 subject to the retention provisions of subdivision (a) of this paragraph,  
20 the total number of students promoted pursuant to subdivision (b) of this  
21 paragraph, the total number of pupils retained in grade three and the  
22 interventions administered pursuant to subdivision (c) of this paragraph.

23 3. Provide for universal screening of pupils in preschool programs,  
24 kindergarten programs and grades one through three that is designed to  
25 identify pupils who have reading deficiencies pursuant to section 15-704.  
26 If sufficient monies are appropriated, beginning in the 2022-2023 school  
27 year, the state board of education shall adopt a ~~statewide~~ kindergarten  
28 entry evaluation tool ~~to~~ **THAT SCHOOL DISTRICTS AND CHARTER SCHOOLS MAY**  
29 administer to pupils in kindergarten programs ~~within forty-five calendar~~  
30 ~~days after the beginning of each school year or within forty-five calendar~~  
31 ~~days after a pupil enrolls~~. **EACH SCHOOL DISTRICT GOVERNING BOARD AND**  
32 **CHARTER SCHOOL GOVERNING BODY SHALL SELECT APPROPRIATE EVALUATION METHODS**

1 OR ASSESSMENTS, OR BOTH, TO ADMINISTER TO PUPILS IN KINDERGARTEN PROGRAMS  
2 FOR THE PURPOSES OF THIS PARAGRAPH. A SCHOOL DISTRICT OR CHARTER SCHOOL  
3 SHALL ADMINISTER THE EVALUATION TOOL SELECTED BY THE SCHOOL DISTRICT  
4 GOVERNING BOARD OR CHARTER SCHOOL GOVERNING BODY PURSUANT TO THIS PARAGRAPH  
5 WITHIN FORTY-FIVE CALENDAR DAYS AFTER THE BEGINNING OF EACH SCHOOL YEAR OR  
6 WITHIN FORTY-FIVE CALENDAR DAYS AFTER A PUPIL ENROLLS. SCHOOL DISTRICTS AND  
7 CHARTER SCHOOLS ARE NOT REQUIRED TO ADMINISTER THE KINDERGARTEN ENTRY  
8 EVALUATION TOOL ADOPTED BY THE STATE BOARD OF EDUCATION PURSUANT TO THIS  
9 PARAGRAPH.

10 4. Develop evidence-based intervention and remedial strategies  
11 pursuant to paragraph 2, subdivision (c) of this subsection for pupils in  
12 kindergarten programs and grades one through three who are identified as  
13 having reading deficiencies pursuant to section 15-704.

14 5. Distribute guidelines for the school districts to follow in  
15 prescribing criteria for the promotion of pupils from grade to grade in the  
16 common schools. These guidelines shall include recommended procedures for  
17 ensuring that the cultural background of a pupil is taken into  
18 consideration when criteria for promotion are being applied.

19 B. School districts and charter schools shall provide annual written  
20 notification to parents of pupils in kindergarten programs and first,  
21 second and third grades that a pupil who does not demonstrate sufficient  
22 reading skills pursuant to subsection A of this section will not be  
23 promoted from the third grade. School districts and charter schools shall  
24 identify each pupil who is at risk of reading below grade level in  
25 kindergarten and grades one, two and three, ~~based on local or statewide~~  
26 ~~assessments,~~ and shall provide to the parent of that pupil a specific  
27 written notification of the reading deficiency within three weeks after  
28 identifying the reading deficiency. The notification shall include the  
29 following information:

- 30 1. A description of the pupil's specific individual needs.
- 31 2. A description of the current reading services provided to the  
32 pupil.

1           3. A description of the available supplemental instructional  
2 services and supporting programs that are designed to remediate reading  
3 deficiencies. Each school district or charter school shall offer more than  
4 one evidence-based intervention strategy and more than one remedial  
5 strategy developed by the state board of education for pupils with reading  
6 deficiencies. The notification shall list the intervention and remedial  
7 strategies offered and shall instruct the parent to choose, in consultation  
8 with the pupil's teacher, the most appropriate strategies to be provided  
9 and implemented for that child.

10           4. Parental strategies to assist the pupil to attain reading  
11 proficiency.

12           5. The frequency with which the school district or charter school  
13 will provide timely updates and information to the parent on the pupil's  
14 progress toward reading proficiency.

15           6. A statement that the pupil will not be promoted from the third  
16 grade if the pupil does not demonstrate sufficient reading skills pursuant  
17 to subsection A, paragraph 2, subdivision (a) of this section, unless the  
18 pupil is exempt from mandatory retention in grade three or the pupil  
19 qualifies for an exemption pursuant to subsection A, paragraph 2,  
20 subdivision (b) of this section.

21           7. A description of the school district or charter school policies  
22 on midyear promotion to a higher grade.

23           C. Pursuant to the guidelines that the state board of education  
24 distributes, the governing board of a school district shall:

25           1. Prescribe curricula that include the academic standards in the  
26 required subject areas pursuant to subsection A, paragraph 1 of this  
27 section.

28           2. Prescribe criteria for the promotion of pupils from grade to  
29 grade in the common schools in the school district. These criteria shall  
30 include accomplishment of the academic standards in at least reading,  
31 writing, mathematics, science and social studies, as determined by district

1 assessment. Other criteria may include additional measures of academic  
2 achievement and attendance.

3 D. The governing board may prescribe the course of study and  
4 competency requirements for promotion that are in addition to or higher  
5 than the course of study and competency requirements the state board  
6 prescribes.

7 E. A teacher shall determine whether to promote or retain a pupil in  
8 a grade in a common school on the basis of the prescribed criteria. The  
9 governing board, if it reviews the decision of a teacher to promote or  
10 retain a pupil in a grade in a common school as provided in section 15-342,  
11 paragraph 11, shall base its decision on the prescribed criteria.

12 F. A governing board may provide and issue certificates of promotion  
13 to pupils whom it promotes from the eighth grade of a common school. Such  
14 certificates shall be signed by the principal or superintendent of  
15 schools. If there is no principal or superintendent of schools, the  
16 certificates shall be signed by ~~the teacher of~~ an eighth grade  
17 **TEACHER**. The certificates shall admit the holders to any high school in  
18 ~~the~~ **THIS** state.

19 G. Within any high school district or union high school district,  
20 the superintendent of the high school district shall supervise the work of  
21 the eighth grade of all schools ~~employing no~~ **THAT DO NOT EMPLOY A**  
22 superintendent or principal.

23 H. A school district shall not deny a pupil who is between the ages  
24 of sixteen and twenty-one years admission to a high school because the  
25 pupil does not hold an eighth grade certificate. Governing boards shall  
26 establish procedures for determining the admissibility of pupils who are  
27 under sixteen years of age and who do not hold eighth grade certificates.

28 I. The state board of education shall adopt rules to allow common  
29 school pupils who can demonstrate competency in a particular academic  
30 course or subject to obtain academic credit for the course or subject  
31 without enrolling in the course or subject.

1 J. A school district may conduct a ceremony to honor pupils who have  
2 been promoted from the eighth grade.

3 K. For the purposes of this section, "dyslexia" means a condition  
4 that:

5 1. Is neurological in origin.

6 2. Is characterized by difficulties with accurate or fluent word  
7 recognition and by poor spelling and decoding abilities, including  
8 difficulties that typically result from a deficit in the phonological  
9 component of language that is often unexpected in relation to other  
10 cognitive abilities and to the provision of effective classroom  
11 instruction.

12 3. May include secondary consequences such as problems with reading  
13 comprehension and reduced reading experience that may impede the growth of  
14 vocabulary and background knowledge.

15 Sec. 11. Section 15-704, Arizona Revised Statutes, is amended to  
16 read:

17 15-704. Reading proficiency; dyslexia screening plan; parental  
18 notification; definitions

19 A. Each school district or charter school that provides instruction  
20 in kindergarten programs and grades one through three shall select and  
21 administer screening, ongoing diagnostic and classroom-based instructional  
22 reading assessments, including a motivational assessment, ~~as defined by the~~  
23 ~~state board of education,~~ and the kindergarten entry evaluation tool  
24 ~~adopted~~ **SELECTED BY THE SCHOOL DISTRICT GOVERNING BOARD OR CHARTER SCHOOL**  
25 **GOVERNING BODY** pursuant to section 15-701, subsection A, paragraph 3, to  
26 monitor student progress. Each school shall use the diagnostic information  
27 to plan evidence-based appropriate and effective instruction and  
28 intervention.

29 B. On or before July 1, 2022, the department of education shall  
30 develop a dyslexia screening plan that meets all of the following  
31 requirements:

1           1. Ensures that within forty-five calendar days after the beginning  
2 of each school year or within forty-five calendar days after a student  
3 enrollment occurs after the first day of school, every student who is  
4 enrolled in a kindergarten program or grade one in a public school in this  
5 state is screened for indicators of dyslexia.

6           2. Provides guidance for notifications sent by public schools to  
7 parents of students who are identified as having indicators of dyslexia  
8 based on a screening for indicators.

9           3. Is developed collaboratively with the dyslexia specialist for the  
10 department designated pursuant to section 15-211, and other experts on  
11 dyslexia, including representatives in this state of an international  
12 organization on dyslexia.

13           4. Ensures that screening for indicators of dyslexia includes the  
14 following:

- 15           (a) Phonological and phonemic awareness.
- 16           (b) Rapid naming skills.
- 17           (c) Correspondence between sounds and letters.
- 18           (d) Nonsense word fluency.
- 19           (e) Sound symbol recognition.

20           C. The screening for indicators of dyslexia may be integrated with  
21 reading proficiency screenings as prescribed in this section.

22           D. Each school district or charter school that provides instruction  
23 for pupils in kindergarten programs and grades one through three shall  
24 conduct a curriculum evaluation and adopt an evidence-based reading  
25 curriculum that includes the essential components of reading instruction.  
26 All school districts and charter schools that offer instruction in  
27 kindergarten programs and grades one through three shall provide ongoing  
28 teacher training based on evidence-based reading research.

29           E. Each school district or charter school that provides instruction  
30 in kindergarten programs and grades one through three shall devote  
31 reasonable amounts of time to explicit evidence-based instruction and  
32 independent reading in grades one through three.

1           F. A pupil in grade three who does not demonstrate proficiency on  
2 the reading standards measured by the statewide assessment administered  
3 pursuant to section 15-741 shall be provided core reading instruction and  
4 intensive, evidence-based reading instruction as defined by the state board  
5 of education until the pupil meets these standards.

6           G. The governing board of each school district and the governing  
7 body of each charter school shall determine the percentage of pupils at  
8 each school in grade three who do not demonstrate proficiency on the  
9 reading standards prescribed by the state board of education and measured  
10 by the statewide assessment administered pursuant to section 15-741. If  
11 more than twenty percent of students in grade three at either the  
12 individual school level or at the school district level do not demonstrate  
13 proficiency on the standards, the governing board or governing body shall  
14 conduct a review of its reading program that includes curriculum and  
15 professional development in light of current, evidence-based reading  
16 research.

17           H. Based on the review required in subsection G of this section, the  
18 governing board or governing body and the school principal of each school  
19 that does not demonstrate proficiency on the reading standards, in  
20 conjunction with school council members, if applicable, shall develop  
21 methods of best practices for teaching reading based on essential  
22 components of reading instruction and supported by evidence-based reading  
23 research. These methods shall be adopted at a public meeting and shall be  
24 implemented the following academic year.

25           I. Subsections G and H of this section shall be coordinated with  
26 efforts to develop and implement an improvement plan if required pursuant  
27 to section 15-241.02.

28           J. For the purposes of this section:

29           1. "Essential components of reading instruction" means explicit and  
30 systematic instruction in the following:

31           (a) Phonological awareness, including phonemic awareness.

32           (b) Phonics encoding and decoding.



- 1 (c) Vocabulary development.
- 2 (d) Reading fluency as demonstrated by automatic reading of text.
- 3 (e) Reading comprehension of written text.
- 4 (f) Written and oral expression, including spelling and handwriting.
- 5 2. "Evidence-based reading research" means research that
- 6 demonstrates either:
- 7 (a) A statistically significant effect on improving student outcomes
- 8 or other relevant outcomes based on either:
- 9 (i) Strong evidence from at least one well-designed and
- 10 well-implemented experimental study.
- 11 (ii) Moderate evidence from at least one well-designed and
- 12 well-implemented quasi-experimental study.
- 13 (iii) Promising evidence from at least one well-designed and
- 14 well-implemented correlational study with statistical controls for
- 15 selection bias.
- 16 (b) A rationale based on high-quality research findings or positive
- 17 evaluation that an activity, strategy or intervention is likely to improve
- 18 student outcomes or other relevant outcomes and that includes ongoing
- 19 efforts to examine the effects of these activities, strategies or
- 20 interventions.
- 21 3. "Reading" means a complex system of deriving meaning from written
- 22 text that requires all of the following:
- 23 (a) The skills and knowledge to understand how phonemes or speech
- 24 sounds are connected to written text.
- 25 (b) The ability to decode unfamiliar words.
- 26 (c) The ability to read fluently.
- 27 (d) Sufficient background information and vocabulary to foster
- 28 reading comprehension.
- 29 (e) The development of appropriate active strategies to construct
- 30 meaning from written text.
- 31 (f) The development and maintenance of a motivation to read.

1           Sec. 12. Section 15-746, Arizona Revised Statutes, is amended to  
2 read:

3           15-746. School report cards; distribution; annual report

4           A. Each school shall distribute an annual report card that contains  
5 at least the following information:

6           1. A description of the school's regular, magnet and special  
7 instructional programs.

8           2. A description of the school's current academic goals.

9           3. A summary of each of the following:

10           (a) The results achieved by pupils WHO ARE enrolled at the school  
11 during the prior three school years as measured by the statewide assessment  
12 and the nationally standardized norm-referenced achievement test as  
13 designated by the state board and as reported in the annual report  
14 prescribed by section 15-743.

15           (b) Pupil progress on an ongoing and annual basis, showing the  
16 trends in gain or loss in pupil achievement over time in reading, language  
17 arts and mathematics for all years in which pupils are enrolled in the  
18 school district for an entire school year and for which this information is  
19 available.

20           (c) Pupil progress for pupils who are not enrolled in a district for  
21 an entire school year.

22           4. The attendance rate of pupils WHO ARE enrolled at the school as  
23 reflected in the school's average daily membership as defined in section  
24 15-901.

25           5. The total number of incidents that occurred on the school  
26 grounds, at school bus stops, at stops for MOTOR vehicles described in  
27 section 15-925, on school buses, on MOTOR vehicles described in section  
28 15-925 and at school-sponsored events and that required the contact of a  
29 local, county, tribal, state or federal law enforcement officer pursuant to  
30 section 13-3411, subsection F, section 13-3620, section 15-341, subsection  
31 A, paragraph ~~30~~ 29 or section 15-515. The total number of incidents  
32 reported shall only include reports that law enforcement officers report to

1 the school and that are supported by probable cause. For the purposes of  
2 this paragraph, a certified peace officer who serves as a school resource  
3 officer is a law enforcement officer. A school may provide clarifying  
4 information if the school has a school resource officer on campus.

5 6. The percentage of pupils who have either graduated to the next  
6 grade level or graduated from high school.

7 7. A description of the social services available at the school  
8 site.

9 8. The school calendar, including the length of the school day and  
10 hours of operations.

11 9. The total number of pupils WHO WERE enrolled at the school during  
12 the previous school year.

13 10. The transportation services available.

14 11. A description of the responsibilities of parents of children WHO  
15 ARE enrolled at the school.

16 12. A description of the responsibilities of the school to the  
17 parents of the children WHO ARE enrolled at the school, including dates the  
18 report cards are delivered to the home.

19 13. A description of the composition and duties of the school  
20 council as prescribed in section 15-351 if such a school council exists.

21 14. For the most recent year available, the average current  
22 expenditure per pupil for administrative functions compared to the  
23 predicted average current expenditure per pupil for administrative  
24 functions according to an analysis of administrative cost data by the joint  
25 legislative budget committee staff.

26 15. If the school provides instruction to pupils in kindergarten  
27 programs and grades one through three, the ratio of pupils to teachers in  
28 each classroom where instruction is provided in kindergarten programs and  
29 grades one through three.

30 16. The average class size per grade level for all grade levels,  
31 kindergarten programs and grades one through eight. For the purposes of

1 this paragraph, "average class size" means the weighted average of each  
2 class.

3 B. The department of education shall develop a standardized report  
4 card format that meets the requirements of subsection A of this section.  
5 The department shall modify the standardized report card as necessary on an  
6 annual basis. The department shall distribute to each school in this state  
7 a copy of the standardized report card that includes the required test  
8 scores for each school. Additional copies of the standardized report card  
9 shall be available on request.

10 C. After each school has completed the report card distributed to it  
11 by the department of education, the school, in addition to distributing the  
12 report card as prescribed in subsection A of this section, shall send a  
13 copy of the report card to the department. The department shall prepare an  
14 annual report that contains the report card from each school in this state.

15 D. The school shall distribute report cards to parents of pupils WHO  
16 ARE enrolled at the school, not later than the last day of school of each  
17 fiscal year, and shall present a summary of the contents of the report  
18 cards at an annual public meeting held at the school. The school shall  
19 give notice at least two weeks before the public meeting that clearly  
20 states the purposes, time and place of the meeting.

21 E. ~~Beginning in fiscal year 2021-2022,~~ The school report card  
22 prescribed by this section shall include a link to access the information  
23 required by section 15-747.

24 Sec. 13. Section 15-828, Arizona Revised Statutes, is amended to  
25 read:

26 15-828. Birth certificate; school records; exception

27 A. On enrollment of a pupil for the first time in a particular  
28 school district or private school offering instruction to pupils in any  
29 kindergarten programs or grades one through twelve, that school or school  
30 district shall notify the person enrolling the pupil in writing that within  
31 thirty days the person must provide one of the following:

32 1. A certified copy of the pupil's birth certificate.

1           2. Other reliable proof of the pupil's identity and age, including  
2 the pupil's baptismal certificate, an application for a social security  
3 number or original school registration records and an affidavit explaining  
4 the inability to provide a copy of the birth certificate.

5           3. A letter from the authorized representative of an agency having  
6 custody of the pupil pursuant to title 8, chapter 2 certifying that the  
7 pupil has been placed in the custody of the agency as prescribed by law.

8           B. If a child is instructed at home pursuant to section 15-802, the  
9 person who has custody of the child shall, within thirty days after the  
10 home instruction begins, provide to the county school superintendent of the  
11 county in which the child resides one of the following:

12           1. A certified copy of the child's birth certificate.

13           2. Other reliable proof of the child's identity and age, including  
14 the child's baptismal certificate, an application for a social security  
15 number or original school registration records and an affidavit explaining  
16 the inability to provide a copy of the birth certificate.

17           3. A letter from the authorized representative of an agency having  
18 custody of the pupil pursuant to title 8, chapter 2 certifying that the  
19 pupil has been placed in the custody of the agency as prescribed by law.

20           C. On presentation of a document pursuant to this section, a  
21 photocopy of the document shall be placed in the pupil's file and the  
22 document that is presented shall be returned.

23           D. A pupil shall be enrolled in the school or school district, or  
24 the county school superintendent shall record the pupil's name, using the  
25 name that is printed on the birth certificate, other reliable proof of the  
26 pupil's identity, or letter from an agency having custody of the pupil  
27 provided pursuant to this section. This subsection does not prohibit a  
28 school or school district from calling a pupil by any name the pupil's  
29 parent or guardian wishes the pupil to be called.

30           E. On the failure of a person enrolling a pupil or instructing a  
31 child at home to comply with subsection A or B of this section, the school,  
32 school district or county school superintendent shall notify that person in

1 writing that, unless the person complies within ten days, the case shall be  
2 referred to the local law enforcement agency for investigation. If  
3 compliance is not obtained within the ~~ten-day~~ TEN-DAY period, the school,  
4 school district or county school superintendent shall refer the case to the  
5 local law enforcement agency.

6 F. The school, school district or county school superintendent shall  
7 immediately report to the local law enforcement agency any affidavit  
8 received pursuant to this section ~~which~~ THAT appears TO BE inaccurate or  
9 suspicious in form or content.

10 G. ~~Within five school days~~ After enrolling a transfer pupil from a  
11 private school or another school district, a school ~~shall~~ MAY request  
12 directly from the pupil's previous school a certified copy of the pupil's  
13 record. ~~The requesting school shall exercise due diligence in obtaining~~  
14 ~~the copy of the record requested.~~ Notwithstanding any financial debt owed  
15 by the pupil, any school requested to forward a copy of a transferring  
16 pupil's record to the new school shall comply and forward the record within  
17 ten school days after receipt of the request unless the record has been  
18 flagged pursuant to section 15-829. If the record has been flagged, the  
19 requested school shall not forward the copy and shall notify the local law  
20 enforcement agency of the request. School districts shall include in the  
21 educational records required by this subsection data collected pursuant to  
22 sections 15-741 and 15-766, as prescribed by the state board of education.

23 H. Any disclosure of educational records by the school district or  
24 charter school shall comply with the family educational rights and privacy  
25 act of 1974 (20 United States Code section 1232g).

26 I. ~~The provisions of~~ This section ~~do~~ DOES not apply to homeless  
27 pupils as defined in section 15-824, subsection C.

28 Sec. 14. Section 15-914, Arizona Revised Statutes, is amended to  
29 read:

30 15-914. Financial and compliance audits

31 A. The governing board of a school district that is required to  
32 comply with the single audit act amendments of 1996 (P.L. 104-156; 110

1 Stat. 1396; 31 United States Code sections 7501 through 7507) shall  
2 contract for at least annual financial and compliance audits of financial  
3 transactions and accounts subject to the single audit act amendments of  
4 1996 and kept by or for the school district. The governing board of a  
5 school district that is not required to comply with the single audit act  
6 and that has adopted an expenditure budget of \$2,000,000 or more for the  
7 maintenance and operation fund pursuant to section 15-905 shall contract  
8 for an annual financial statement audit. The governing board of a school  
9 district that is not required to comply with the single audit act and that  
10 has adopted an expenditure budget of less than \$2,000,000 but more than  
11 \$700,000 for the maintenance and operation fund pursuant to section 15-905  
12 shall contract for a biennial financial statement audit. An independent  
13 certified public accountant shall conduct the audit in accordance with  
14 generally accepted governmental auditing standards. To the extent  
15 permitted by federal law, a school district that is required to participate  
16 in an annual audit pursuant to this subsection may convert to a biennial  
17 audit schedule if the previous annual audit did not contain any significant  
18 negative findings. If a biennial audit of a school district conducted  
19 pursuant to this subsection contains any significant negative findings, the  
20 school district shall convert back to an annual audit schedule. If a  
21 school district is required to convert back to an annual audit schedule  
22 pursuant to this subsection because of significant negative findings, the  
23 school district may subsequently convert to a biennial audit schedule if  
24 the previous two annual audits did not contain any significant negative  
25 findings. For the purposes of this subsection, "significant negative  
26 finding" means a finding that results in the issuance of a letter of  
27 noncompliance from the auditor general.

28 B. The governing board of a charter school that is required to  
29 comply with the single audit act amendments of 1996 shall contract for an  
30 annual financial and compliance audit of financial transactions and  
31 accounts subject to the single audit act amendments of 1996 and kept by or  
32 for the charter school.

1 C. A charter school that is not subject to the single audit act  
2 amendments of 1996 shall contract for at least an annual financial  
3 statement audit conducted in accordance with generally accepted  
4 governmental auditing standards. An independent certified public  
5 accountant shall conduct the audit.

6 D. For all audits referred to in subsections A, B and C of this  
7 section, the independent certified public accountant shall submit a ~~uniform~~  
8 ~~system of financial records~~ compliance questionnaire to the auditor general  
9 with the applicable audit reports. The school district or charter school  
10 shall send a paper copy or electronic copy of the applicable audit reports  
11 to the county school superintendent of the county where the school district  
12 is located and the department of education. The department of education  
13 shall make the audit reports available on the department's website.

14 E. Contracts for all financial and compliance audits and financial  
15 statement audits and the completed audits shall be approved by the auditor  
16 general as provided in section 41-1279.21. Contracts for all financial and  
17 compliance audits and financial statement audits shall comply with the  
18 rules for competitive sealed proposals as prescribed by the state board of  
19 education in section 15-213.

20 F. If the school district or charter school will incur costs of  
21 financial and compliance audits for the budget year, the governing board of  
22 the school district or the governing body of the charter school may  
23 increase its base support level for the budget year by an amount equal to  
24 the amount expended for the district's or charter school's financial and  
25 compliance audits in the year before the current year, increased by the  
26 growth rate as prescribed by law, subject to appropriation. In determining  
27 the amount expended for the district's or charter school's financial and  
28 compliance audits, the school district or charter school shall include only  
29 the portion of the audit that must be paid from monies other than federal  
30 monies. The department of education and the auditor general shall  
31 prescribe a method for determining the increase in the base support level  
32 and shall include in the maintenance and operation section of the budget



1 format, as provided in section 15-903, a separate line for financial and  
2 compliance audits expenditures.

3 G. Every audit contract shall include a systematic review of average  
4 daily membership, as defined in section 15-901, using methodology that is  
5 consistent with guidelines established by the auditor general. The auditor  
6 general shall consider cost when establishing guidelines pursuant to this  
7 subsection and, to the extent possible, shall attempt to minimize the cost  
8 of the review. The purpose of the review is to determine whether the  
9 average daily membership reported by the charter school or school district  
10 complies with the laws of this state and the uniform systems of financial  
11 records, ~~for charter schools and school districts~~ IF APPLICABLE.

12 H. A school district governing board or a charter school governing  
13 body shall publicly accept all audits and compliance questionnaires by roll  
14 call vote.

15 Sec. 15. Section 43-1089.02, Arizona Revised Statutes, is amended to  
16 read:

17 43-1089.02. Credit for donation of school site

18 A. A credit is allowed against the taxes imposed by this title in  
19 the amount of thirty percent of the value of real property and improvements  
20 donated by the taxpayer to a school district or a charter school for use as  
21 a school or as a site for the construction of a school.

22 B. To qualify for the credit:

- 23 1. The real property and improvements must be located in this state.  
24 2. The real property and improvements must be conveyed unencumbered  
25 and in fee simple, except that:

26 (a) The conveyance must include as a deed restriction and protective  
27 covenant running with title to the land the requirement that as long as the  
28 donee holds title to the property the property shall be used only as a  
29 school or as a site for the construction of a school, subject to subsection  
30 I or J of this section.

1           (b) In the case of a donation to a charter school, the donor shall  
2 record a lien on the property as provided by subsection J, paragraph 3 of  
3 this section.

4           3. The conveyance shall not violate section 15-341, subsection D or  
5 section 15-183, subsection ~~U~~ T.

6           C. For the purposes of this section, the value of the donated  
7 property is the property's fair market value as determined in an appraisal  
8 as defined in section 32-3601 that is conducted by an independent party and  
9 that is paid for by the donee.

10          D. If the property is donated by co-owners, including partners in a  
11 partnership and shareholders of an S corporation as defined in section 1361  
12 of the internal revenue code, each donor may claim only the pro rata share  
13 of the allowable credit under this section based on the ownership  
14 interest. If the property is donated by a husband and wife who file  
15 separate returns for a taxable year in which they could have filed a joint  
16 return, they may determine between them the share of the credit each will  
17 claim. The total of the credits allowed all co-owner donors may not exceed  
18 the allowable credit.

19          E. If the allowable tax credit exceeds the taxes otherwise due under  
20 this title on the claimant's income, or if there are no taxes due under  
21 this title, the taxpayer may carry the amount of the claim not used to  
22 offset the taxes under this title forward for not more than five  
23 consecutive taxable years' income tax liability.

24          F. The credit under this section is in lieu of any deduction  
25 pursuant to section 170 of the internal revenue code taken for state tax  
26 purposes.

27          G. On written request by the donee, the donor shall disclose in  
28 writing to the donee the amount of the credit allowed pursuant to this  
29 section with respect to the property received by the donee.

1           H. A school district or charter school may refuse the donation of  
2 any property for purposes of this section.

3           I. If the donee is a school district:

4           1. The district shall notify the division of school facilities  
5 within the department of administration and furnish the division with any  
6 information the division requests regarding the donation. A school  
7 district shall not accept a donation pursuant to this section unless the  
8 division has reviewed the proposed donation and has issued a written  
9 determination that the real property and improvements are suitable as a  
10 school site or as a school. The division shall issue a determination that  
11 the real property and improvements are not suitable as a school site or as  
12 a school if the expenses that would be necessary to make the property  
13 suitable as a school site or as a school exceed the value of the proposed  
14 donation.

15           2. The district may sell any donated property pursuant to section  
16 15-342, but the proceeds from the sale shall be used only for capital  
17 projects. The school facilities oversight board shall direct the division  
18 of school facilities within the department of administration to withhold an  
19 amount that corresponds to the amount of the proceeds from any monies that  
20 would otherwise be due the school district from the board pursuant to  
21 section 41-5741.

22           J. If the donee is a charter school:

23           1. The charter school shall:

24           (a) Immediately notify the sponsor of the charter school by  
25 certified mail and shall furnish the sponsor with any information requested  
26 by the sponsor regarding the donation during the ten-year period after the  
27 conveyance is recorded.

28           (b) Notify the sponsor by certified mail, and the sponsor shall  
29 notify the state treasurer, in the event of the charter school's financial  
30 failure or if the charter school:

1 (i) Fails to establish a charter school on the property within  
2 forty-eight months after the conveyance is recorded.

3 (ii) Fails to provide instruction to pupils on the property within  
4 forty-eight months after the conveyance is recorded.

5 (iii) Establishes a charter school on the property but subsequently  
6 ceases to operate the charter school on the property for twenty-four  
7 consecutive months or fails to provide instruction to pupils on the  
8 property for twenty-four consecutive months.

9 2. The charter school, or a successor in interest, shall pay to the  
10 state treasurer the amount of the credit allowed under this section, or if  
11 that amount is unknown, the amount of the allowable credit under this  
12 section, if any of the circumstances listed in paragraph 1, subdivision (b)  
13 of this subsection occurs. If the amount is not paid within one year after  
14 the treasurer receives notice under paragraph 1, subdivision (b) of this  
15 subsection, a penalty and interest shall be added, determined pursuant to  
16 title 42, chapter 1, article 3.

17 3. A tax credit under this section constitutes a lien on the  
18 property, which the donor must record along with the title to the property  
19 to qualify for the credit. The amount of the lien is the amount of the  
20 allowable credit under this section, adjusted according to the average  
21 change in the GDP price deflator, as defined in section 41-563, for each  
22 calendar year since the donation, but not exceeding twelve and one-half  
23 percent more than the allowable credit. The lien is subordinate to any  
24 liens securing the financing of the school construction. The lien is  
25 extinguished on the earliest of the following:

26 (a) Ten years after the lien is recorded. After that date, the  
27 charter school, or a successor in interest, may request the state treasurer  
28 to release the lien.

29 (b) On payment to the state treasurer by the donee charter school,  
30 or by a successor in interest, of the amount of the allowable credit under  
31 this section, either voluntarily or as required by paragraph 2 of this

1 subsection. After the required amount is paid, the charter school or  
2 successor in interest may request the state treasurer to release the lien.

3 (c) On conveyance of fee simple title to the property to a school  
4 district.

5 (d) On enforcement and satisfaction of the lien pursuant to  
6 paragraph 4 of this subsection.

7 4. The state treasurer shall enforce the lien by foreclosure within  
8 one year after receiving notice of any of the circumstances described in  
9 paragraph 1, subdivision (b) of this subsection.

10 5. Subject to paragraphs 3 and 4 of this subsection, the charter  
11 school may sell any donated property.

12 Sec. 16. Section 43-1181, Arizona Revised Statutes, is amended to  
13 read:

14 43-1181. Credit for donation of school site

15 A. A credit is allowed against the taxes imposed by this title in  
16 the amount of thirty percent of the value of real property and improvements  
17 donated by the taxpayer to a school district or a charter school for use as  
18 a school or as a site for the construction of a school.

19 B. To qualify for the credit:

20 1. The real property and improvements must be located in this state.

21 2. The real property and improvements must be conveyed unencumbered  
22 and in fee simple, except that:

23 (a) The conveyance must include as a deed restriction and protective  
24 covenant running with title to the land the requirement that as long as the  
25 donee holds title to the property the property shall be used only as a  
26 school or as a site for the construction of a school, subject to subsection  
27 I or J of this section.

28 (b) In the case of a donation to a charter school, the donor shall  
29 record a lien on the property as provided by subsection J, paragraph 3 of  
30 this section.

1           3. The conveyance shall not violate section 15-341, subsection D or  
2 section 15-183, subsection ~~†~~ T.

3           C. For the purposes of this section, the value of the donated  
4 property is the property's fair market value as determined in an appraisal  
5 as defined in section 32-3601 that is conducted by an independent party and  
6 that is paid for by the donee.

7           D. If the property is donated by co-owners, including corporate  
8 partners in a partnership, each donor may claim only the pro rata share of  
9 the allowable credit under this section based on the ownership interest.  
10 The total of the credits allowed all co-owner donors may not exceed the  
11 allowable credit.

12           E. If the allowable tax credit exceeds the taxes otherwise due under  
13 this title on the claimant's income, or if there are no taxes due under  
14 this title, the taxpayer may carry the amount of the claim not used to  
15 offset the taxes under this title forward for not more than five  
16 consecutive taxable years' income tax liability.

17           F. The credit under this section is in lieu of any deduction  
18 pursuant to section 170 of the internal revenue code taken for state tax  
19 purposes.

20           G. On written request by the donee, the donor shall disclose in  
21 writing to the donee the amount of the credit allowed pursuant to this  
22 section with respect to the property received by the donee.

23           H. A school district or charter school may refuse the donation of  
24 any property for purposes of this section.

25           I. If the donee is a school district:

26           1. The district shall notify the DIVISION OF school facilities ~~board~~  
27 ~~established by section 15-2001~~ WITHIN THE DEPARTMENT OF ADMINISTRATION and  
28 furnish the ~~board~~ DIVISION with any information the ~~board~~ DIVISION requests  
29 regarding the donation. A school district shall not accept a donation  
30 pursuant to this section unless the ~~school facilities board~~ DIVISION has  
31 reviewed the proposed donation and has issued a written determination that  
32 the real property and improvements are suitable as a school site or as a

1 school. The ~~school facilities board~~ DIVISION shall issue a determination  
2 that the real property and improvements are not suitable as a school site  
3 or as a school if the expenses that would be necessary to make the property  
4 suitable as a school site or as a school exceed the value of the proposed  
5 donation.

6 2. The district may sell any donated property pursuant to section  
7 15-342, but the proceeds from the sale shall be used only for capital  
8 projects. The school facilities OVERSIGHT board shall DIRECT THE DIVISION  
9 OF SCHOOL FACILITIES WITHIN THE DEPARTMENT OF ADMINISTRATION TO withhold an  
10 amount that corresponds to the amount of the proceeds from any monies that  
11 would otherwise be due the school district from the ~~school facilities~~ board  
12 pursuant to section ~~15-2041~~ 41-5741.

13 J. If the donee is a charter school:

14 1. The charter school shall:

15 (a) Immediately notify the sponsor of the charter school by  
16 certified mail and shall furnish the sponsor with any information requested  
17 by the sponsor regarding the donation during the ten-year period after the  
18 conveyance is recorded.

19 (b) Notify the sponsor by certified mail, and the sponsor shall  
20 notify the state treasurer, in the event of the charter school's financial  
21 failure or if the charter school:

22 (i) Fails to establish a charter school on the property within  
23 forty-eight months after the conveyance is recorded.

24 (ii) Fails to provide instruction to pupils on the property within  
25 forty-eight months after the conveyance is recorded.

26 (iii) Establishes a charter school on the property but subsequently  
27 ceases to operate the charter school on the property for twenty-four  
28 consecutive months or fails to provide instruction to pupils on the  
29 property for twenty-four consecutive months.

1           2. The charter school, or a successor in interest, shall pay to the  
2 state treasurer the amount of the credit allowed under this section, or if  
3 that amount is unknown, the amount of the allowable credit under this  
4 section, if any of the circumstances listed in paragraph 1, subdivision (b)  
5 of this subsection occurs. If the amount is not paid within one year after  
6 the treasurer receives notice under paragraph 1, subdivision (b) of this  
7 subsection, a penalty and interest shall be added, determined pursuant to  
8 title 42, chapter 1, article 3.

9           3. A tax credit under this section constitutes a lien on the  
10 property, which the donor must record along with the title to the property  
11 to qualify for the credit. The amount of the lien is the amount of the  
12 allowable credit under this section, adjusted according to the average  
13 change in the GDP price deflator, as defined in section 41-563, for each  
14 calendar year since the donation, but not exceeding twelve and one-half  
15 percent more than the allowable credit. The lien is subordinate to any  
16 liens securing the financing of the school construction. The lien is  
17 extinguished on the earliest of the following:

18           (a) Ten years after the lien is recorded. After that date, the  
19 charter school, or a successor in interest, may request the state treasurer  
20 to release the lien.

21           (b) On payment to the state treasurer by the donee charter school,  
22 or by a successor in interest, of the amount of the allowable credit under  
23 this section, either voluntarily or as required by paragraph 2 of this  
24 subsection. After the required amount is paid, the charter school or  
25 successor in interest may request the state treasurer to release the lien.

26           (c) On conveyance of fee simple title to the property to a school  
27 district.

28           (d) On enforcement and satisfaction of the lien pursuant to  
29 paragraph 4 of this subsection.



1           4. The state treasurer shall enforce the lien by foreclosure within  
2 one year after receiving notice of any of the circumstances described in  
3 paragraph 1, subdivision (b) of this subsection.

4           5. Subject to paragraphs 3 and 4 of this subsection, the charter  
5 school may sell any donated property."

6 Amend title to conform

BEVERLY PINGERELLI

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